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GENEALOGY COLLECTION

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A FAMILY HISTORY

1410-1688



VICE-ADMIRAL THOMAS WYNDHAM

1510-1553

*From the picture painted in 1550 by Hans Ewoouts and now in the possession of
the Earl of Radnor*

A Family History

1410-1688

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THE WYNDHAMS
OF NORFOLK AND SOMERSET

BY
THE HON. H. A. WYNDHAM

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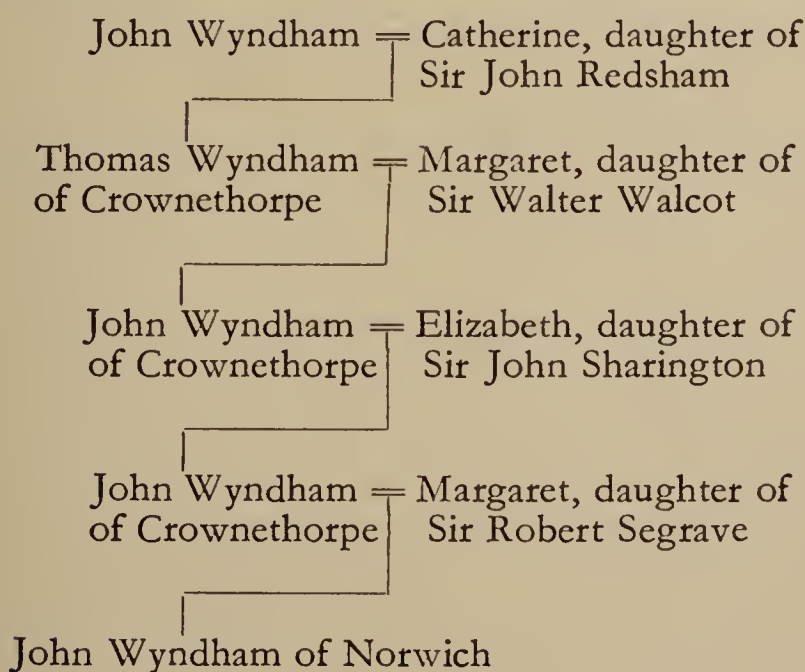
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PREFACE 1193843

No doubt the name Wyndham derives from the town of Wymondham in Norfolk, but there is no historical evidence connecting that place with the family whose history is the subject of this book. In some genealogies its ancestors are indeed traced back to one Ailwardus de Wymondham, whom Collins in his *Peerage* describes as an 'eminent Saxon', and whose reality is undeniable, for he and his three sons witnessed a charter making a grant of land to the Priory of St. Mary, Wymondham, between the years 1100 and 1107. But this cannot be taken as proving that they were the forebears of the Wyndhams of Felbrigge; and nothing else is known of them. So also with the other links of the chain connecting them with a John Wyndham, who is said to have married Catherine, daughter of Sir John Redsham, in the fourteenth century. They are names of whose mutual relationship there remains no record. A pedigree included in the Visitation of Somerset in 1623, and now in the Royal College of Arms, gives the following generations between the said John Wyndham and the John who is known to have been living in Norwich early in the fifteenth century :



PREFACE

One criticism of the above is that no Wyndham had any connexion with Crownethorpe until 1436, when the lordship of the manor was purchased by John of Norwich. But even if the pedigree is correct, it adds little to our knowledge. This book, therefore, is content to begin with the John who was born in Norwich about the year 1410 and who is referred to with some frequency in the *Paston Letters*. From him there is an unbroken and unquestionable line of descent. It is followed until 1688. A second volume may perhaps in the future carry it on to a later date.

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At the end:

Norwich in 1558

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ADDENDA

Page 102 line 3:after 'of Wyndham' insert 'with the exception of the branch in the United States of America'.

Page 180 line 2:for 'Short Parliament' read 'Long Parliament'.

Page 243:omit lines 21 and 22. In line 23, after 'enquiries' delete 'on the subject' and insert 'about a vessel to take Charles to France'.

Page 267 last line: read 'day' instead of 'eve'.

Page 269 lines 23-5:omit from 'On the other hand' to 'in 1661'.

Page 278 line 12:for '1667' read '1669'.

Page 279 line 12:a will of Edmund's is referred to in the case of 'Wyndham v. Bampffield'.

Page 295 lines 15 and 16:this Charles was son of Sir Francis of Trent.

Page 303:omit lines 10-15. The John Wyndham who was called to the bar in 1668 was son of Sir Hugh of Silton.

Page 303 line 16:read 'Thomas Fownes' for 'Sir Edmund Knatchbull'.

Page 303 line 20:for 'fourth' read 'fifth'.

GENEALOGY I:

1. Catherine de la Pole was sister not daughter of Michael de la Pole.
2. Sir John Wyndham's two sons descend from his marriage with Margaret Howard, not Lady Scrope.
3. Delete the descent of John Dudley duke of Northumberland.

I

JOHN THE ELDER AND THE YOUNGER

I

At the beginning of the fifteenth century Norwich played a part in national life second only to the City of London. It was the centre of the woollen industry, one of the staple trades of the kingdom, and the capital of one of the most populous counties. Its citizens were continually aspiring to new and enlarged privileges, and they generally succeeded in securing them. In 1368, at an Assembly held in Whitsuntide in the 'Chapel of the Virgin Mary in the Fields', where city business was usually conducted, they decided that in future the City Bailiffs should be elected annually and that a Common Council of twenty-four should be chosen to represent them in all assemblies. Again in 1403 their civic rights were still further extended. In consideration of their proved loyalty and of their willingness to lend Henry IV 1,000 marcs,¹ the King granted them a charter creating their city a separate county, abolishing the Bailiffs and empowering the citizens yearly to elect a Mayor and two Sheriffs. Thereupon the council of twenty-four became the Mayor's chief men or Aldermen, and a new Common Council replaced them. The new charter did not prescribe the methods by which the officers and council should be elected, and two Assemblies were held in 1404 and 1414 to fill the gap. A certain John Wyndham was one of the citizens of Norwich who was present in 1414.

About the same time another John Wyndham was

¹ A marc = 13s. 4d.

born, who is the 'John Wyndham the elder'¹ of this chapter. He too lived in Norwich, and, although there is no evidence of any relationship between him and his namesake, it may reasonably be assumed that they were father and son.

One result of the enlargement of the city's privileges and its elevation to the status of a separate county was the development of a continuous conflict between it and the Cathedral Priory, which remained within the county of Norfolk. The boundary between their respective territories and the defining of their several jurisdictions were constant sources of friction between them.

Moreover, in the fifteenth century the inherent liveliness of Norwich municipal politics was accentuated by contemporary changes in social and economic conditions. The old order was passing and new movements towards enfranchisement and individualism had started. They were not confined to towns like Norwich. They were equally potent in the country where an agrarian revolution had begun to replace those whose interests were bound up in a dying feudalism by others who had no inherited or established position to defend.

The Wyndhams belonged to the latter category. They are not on record as having owned any landed property before 1436, when John the elder purchased the lordship of the manors of Crownethorpe and Wicklewood near Wymondham, and thus laid the foundation of his family's fortunes.² Thereafter its rise was rapid. In 1439 John was elected by the forty-shilling freeholders of Norfolk to be one of their representatives in Parliament. About the same time

¹ See Genealogy I.

² In his will John declares that all his manors, lands and tenements had been 'truly purchased and paid for' by himself.

he married Margery, daughter of Sir Robert Clifton of Buckenham Castle, and widow of Sir Edward Hastings, who, long before his death, had wasted all his substance in vain efforts to prove his right to the barony of Hastings, and so to carry the spurs at the coronation of Henry V.¹ The alliance was in every way propitious for John, for through it he became related to the de la Poles, the Howards, the de Veres, and the Scales; Margery being a cousin of William de la Pole, 1st Duke of Suffolk, of John, 1st Howard Duke of Norfolk, of John, 12th Earl of Oxford, and of Thomas, 7th Baron Scales.² A good haul as a beginning.

At this time opinion in England was sharply divided on the policy to be adopted towards France. Popular feeling was still smarting under the defeats of English arms by Joan of Arc, and was attacking William de la Pole, Duke of Suffolk, now supreme in the counsels of the King, for his failure to prosecute the waning Hundred Years War with vigour. The King's marriage was another source of controversy. Suffolk favoured paying the price in French territory required to make Margaret of Anjou Queen of England. His opponents did not. On both points they looked to the King's uncle, Humphrey, Duke of Gloucester, as their leader, and when he was imprisoned and died in custody, Suffolk was suspected of having procured his murder. The renewal of the French war in 1449 and the resultant loss of the whole of the Duchy of Normandy within

¹ The claim remained in abeyance until 1841, when it was successfully revived by Sir Edward's descendants. It is worth remarking that at the coronation of George VI the spurs were carried by the 21st Baron Hastings and that his page was David Wyndham, a direct descendant through his father of John Wyndham, and through his mother a descendant of Sir Edward Hastings.

² See Genealogy I.

a year added to the general indignation, and in 1450 Suffolk was impeached by the Commons. Bowing to the storm the King condemned him to banishment for five years, hoping thus to save his life. But the device failed, for he was unofficially beheaded in mid-Channel by those who were carrying him into exile. His murder and the ignominious end of the Hundred Years War naturally did not diminish party animosities; and the peace party became the Lancastrians, and the war party the Yorkists of the Wars of the Roses.

Party feeling ran high in Norfolk and was exacerbated by the sinister activities of a lawyer named John Heydon of Baconsthorpe, who had been a Sheriff of Norwich and Recorder of the City. He was of Suffolk's party and served it by instigating litigation on behalf of those who supported it against those who were not its adherents. In this amiable occupation his principal coadjutors were Sir Thomas Tuddenham, the Keeper of the King's Great Wardrobe and John's fellow representative of Norfolk in the Parliament of 1439-40, and, to a lesser degree, John himself. Together the three succeeded in establishing a kind of legal racket, resembling in its working those recently brought to such perfection in the New World. Their chief weapon was the illegal practice of 'maintenance', that is to say supporting litigants in whom they had no personal interest in order to damage others whom they desired to embarrass. Their secondary armament was to corrupt and overawe jurors and judges, threatening them with reprisals and attending court sittings with armed escorts of sometimes as many as four hundred men. They were as active in Norwich as in Norfolk.

In Norwich the chronic dispute between the city and the priory provided the associates with plenty of troubled water to fish in. They promoted actions by

the priory and other monastic establishments against the city, and they were accused of oppressing all citizens who would not consent to elect such mayors and sheriffs as pleased them. 'Gladman's Insurrection' in Norwich in 1443 is an example of their methods. The Bishop and the Prior, prompted by them, had taken exception to certain mills, erected by the city ten years previously, and had claimed damages. The final award in the dispute was given by Suffolk, whom the city did not accept as impartial. After he had condemned it to pay £100 to the Bishop and £50 to the Prior, John Gladman, a merchant, riding through the city as a king, with paper crown on head and sceptre and sword borne before him, called on the people to arm. In response a crowd estimated at three thousand persons assembled and demonstrated with some violence against the priory. The city authorities in their defence declared that Gladman had merely 'made disport with his neighbours' and that Tuddenham and Heydon, 'by undue presentments and by perjury', had magnified the affair into an insurrection. Nevertheless, as a result of it, the city's liberties were forfeited, and Sir John Clifton, John Wyndham's brother-in-law, was appointed its Captain or Governor. John, too, had played an active part in the affair against the city and, along with Tuddenham, Heydon, and Clifton, was thanked for his services by the Privy Council.¹

In the county of Norfolk the activities of the associates naturally covered a wider field and we can cite only a few examples. The first concerns the manor of Swaffham of which Tuddenham was both steward and farmer. He and Heydon, so the commoners averred, enclosed six hundred acres of their common land, trumped up a case against twenty-four of them in the

¹ *Proceedings and Orders P.C.* v. 235.

name of the Abbot of Sawtry in Huntingdonshire, and forced the jury by threats to give a verdict for the Abbot. At the same time Heydon was busy working up suits against the Pastons, who, like the Wyndhams, were establishing themselves as a new county family. William Paston had just bought the manor of Oxnead, which became the principal family seat, and the manor of Gresham; and Heydon attacked him and his son John over both of them. At his instigation Lord Moleyns, an active Lancastrian, laid claim to Gresham, and when John Paston took possession of the mansion, a company of a thousand persons arrived in his absence armed with all kinds of offensive weapons, instruments for undermining and pulling down houses, and pans with fires burning to set them alight. They ejected his wife, Margaret Paston, and her household, without ceremony, rifled the house of everything, and did £200¹ worth of damage. The manor of Oxnead also had its claimant in the person of one Hauteyn, a former Carmelite friar and a protégé of Suffolk's. But he did not proceed to the same extremes. Then Isabel Lady Morley, who was Suffolk's sister and whose house in Norwich was afterwards occupied by Sir Francis Wyndham,² had a claim against John Paston and was threatening to sue him, the date on which he had undertaken to settle it having passed.

John Wyndham, too, had his own little crop of cases. One that he shared with Heydon was against a certain Roger Foke and was reported to be prosecuted with such vigour that the unhappy man could not leave his house in February 1444. Another of John's quarrels was with Agnes Paston, William Paston's widow. No doubt Agnes contributed towards it, for she had a sharp tongue which she was at no

¹ About £3,000 in present-day currency.

² See below, p. 129.

pains to control. 'She will tell', so one of her sons complained, 'persons many of her counsell this day, and to more she will say by God's fast that the same men are false.' John no doubt knew well enough what she thought of him, and, as his house was not far from hers, near the church of St. Mary Coslaney, violence was to be expected between them in fifteenth-century Norwich, when it might be unsafe for a priest even to walk abroad unarmed and without at least two men as escort. An affray happened on a Friday morning, in May 1448, the victim being James Gloys, a priest who took an active part in the Pastons' affairs. On this particular morning he went into the town, while Agnes and Margaret Paston attended mass, celebrated by the parson of Oxnead in the parish church of St. Mary Coslaney. On his way home he passed along Friars Street, over Blackfriars Bridge, round St. George's Church Colegate, and so to St. Mary's, passing Wyndham's gate.¹ There John was standing with one of his men named John Strawbode by his side, another, Thomas Hawys, being in the street. Such a disposition of forces was convenient for attacking Gloys as he approached 'with his hat on his head between both his men as he was wont of custom to do'. When he was opposite Wyndham, the latter cried out: 'Guard thy head', to which provocative remark Gloys replied: 'So shall I for thee.' Then after he had walked on three or four strides Wyndham drew his dagger and retorted: 'Shalt thou so, Knave?' Thereupon Gloys turned round, and, drawing his dagger to defend himself, continued to retire towards Agnes's house. Wynd-

¹ See the map of Norwich at the end. One indication that John lived in this neighbourhood is that he left legacies to the churches of St. Mary and St. Michael Coslaney. Other facts point in the same direction. Gloys's route is, of course, conjectural.

ham and Hawys followed, and the latter, going into the hall 'as much as a farthings toss', drove Gloys out into the street again, where Wyndham called him a thief and said that he should die. Gloys retorted that John was a churl, and dared him to come on by himself, or to send one of his best men and he, Gloys, would account for him. Then Hawys, feeling himself inadequately armed, ran into John's house to fetch a spear and a sword and to bring out John's sword as well. Meanwhile Agnes and Margaret Paston had heard the noise of the scuffle at the very moment of the 'levation of the sacring'. They at once hurried out of the church, and, after ordering Gloys to go into the house, were subjected to a volley of abuse by Wyndham. 'Strong whores' is what he called them, adding that all the Pastons and their relatives were ——. Here a merciful hole in the manuscript has obliterated John's opinion of the Pastons collectively. The same hole also has cut away half the name of the person accompanying them, who retorted that John 'lied, knave and churl as he was', and with whom 'much large language' followed. In the afternoon Agnes and Margaret reported the affair to the Prior of the Cathedral, who sent for John. While he was away Hawys again attacked Gloys in the street in the presence of the parson of Oxnead and of Pgrave, another supporter of the Pastons. Pgrave, having a sword, struck Hawys with it and wounded him in the hand; and so the encounter ended.¹ Gloys, however, had to be sent away from Norwich to avoid further trouble. Soon afterwards John again attacked Agnes's retainers, arming his men this time with four guns. He then went to Isabel Lady Morley and asked her to use her influence with Agnes to abandon the suit. But Agnes had no reason to gratify Lady Morley.

¹ Add. MSS. 39848.

Neither side, of course, omitted to do their best to secure the goodwill of the jurors who might be empanelled for the case when it came up for trial. There was no better means to a judicial victory. An anonymous letter addressed to one of the Pastons warned him that John had bribed the jurors to 'pass on' the case when it came before them. The writer added that it would be 'great sport' to frustrate this, for then would John be mad. The Pastons also did not neglect the jurors and they set James Gloys to work on them. He found many willing enough to support Agnes; but others whom he approached were chary about committing themselves. They were afraid, so they said, 'that the world might change'. The political position was too precarious. Although Suffolk was safely out of the way, his place in the Council had been taken by Edmund, Duke of Somerset, who adhered to his policy and who seemed as high in the King's favour as his predecessor. The other side, however, were hopeful that Richard, Duke of York, with the assistance of Warwick the Kingmaker, might succeed in ousting Somerset, and so rid Norfolk of Heydon and Tuddenham. But until it was clear that he could do so, it was dangerous for jurors to promise to support verdicts for his adherents. In order, therefore, to reassure them by bringing York's influence to bear directly on the situation it was proposed that he should visit Norfolk, that the men of Swaffham should meet him at Pykenham and present a statement of their grievances, and the women of the town should be there to cry out against Tuddenham and Heydon, calling them extortioners and praying the Duke to do sharp execution on them. Then the Mayor, the Aldermen, and the Commons of Norwich were to ride out to meet the Duke and lay at his feet their complaints against

them and Wyndham, and 'all other false maintainers'. But these demonstrations had to be abandoned, for the Duke never came to Norfolk.

In the meantime, the government had realized that some action was necessary to allay the disturbed state of the county and had arranged for a judicial inquiry to sit at various places so that all plaintiffs might have ample opportunity of bringing forward their grievances. The first session was to be at Norwich on 29 April 1451, and was to be devoted to the indictment of Tuddenham and Heydon. But much depended upon the composition of the court. If its members were not independent and impartial there was small chance of justice being done to the complainants. The appointment of Mr. Justice Yelverton of the King's Bench to preside was reassuring. His impartiality was admitted by all. The Earl of Oxford also, although his sympathies were Lancastrian, was regarded as reliable. On the other hand, Lord Scales was not. He had already shown his prejudice by sending for the parson and some of the men of Swaffham and rating them for not coming to terms with Tuddenham who was present at the interview. Therefore 'an outcry and a clamour' had to be made upon him 'praying him for the well of the country' to change his attitude. The county was alive with rumours.

One declared that Tuddenham and Heydon were arranging to indict Yelverton and Oxford at a judicial inquiry that was being held in Kent, in order to secure their absence from Norfolk on 29 April. Another reported that the King himself was coming and that he would knight Heydon and restore him and Tuddenham to their former power. They were expected to attend the session at Norwich with all the force that they could muster, while Wyndham spread a report

that the Pastons intended 'to raise much people with great array out of Norwich'. But in the end all went smoothly for Heydon and his associates. Yelverton, although sitting on the bench, did not preside, and Justice Prisot, who was sent down from London to do so, removed all difficulties from their path.¹ The mere rumour that he was to be appointed to the court had filled the plaintiffs with dismay, and his conduct of the proceedings justified their worst apprehensions. He made no pretence of being impartial, treated them with scant respect, refused to listen to any man on their behalf, and 'took them by the nose at every third word'. Finally, finding Yelverton not sufficiently accommodating, he adjourned all the cases against Tuddenham and Heydon to the next session on 3 May at Walsingham, where they could rely on strong local support. Here again he presided; but instead of Yelverton he had Scales as his colleague. Clearly, therefore, the plaintiffs had still less chance of getting justice, and none of them, except John Paston, thought it worth while, or indeed safe, to attend. Tuddenham and Heydon had the field to themselves, and complaints against them went on accumulating.

Meanwhile the struggle between York and Somerset for control over the King was going against York, who, being apprehensive that even Calais, the last remnant of the French conquests, would be lost through the incompetence of the government, determined to try and oust Somerset by force. In a proclamation issued at Shrewsbury in 1452 he complained that his advice 'had been laid apart to be of none effect through the envy, malice, and untruth of the said Duke of Somerset'; and he announced his intention to proceed

¹ Sir John Prisot became Chief Justice of Common Pleas in 1449. He assisted Sir Thomas Lyttelton to compile his 'Tenures'.

in all haste against him. Having collected a force he set out for London. The King and Somerset advanced to meet him, and on the 1st of March the two armies lay within eight miles of each other at Dartford and Blackheath. But no battle was fought, for York was persuaded to disband his force, and to appear before the King. There he found himself a prisoner. He was brought to London and made to swear at St. Paul's Cross that he would never hereafter 'gather any routs, or make any assembly of people' without the King's commandment, or in his own defence. He was then allowed to retire to his castle at Ludlow.

On the Good Friday following this bloodless but questionable victory, Henry tried to restore peace to his distracted kingdom by offering a general pardon to all who had been guilty of disloyalty to him. At the same time, being aware of the parlous state of the county of Norfolk, he sent the Duke of Norfolk,¹ who had already successfully quelled disturbances in Norwich, into the county to pacify it. But he could do no more than issue a proclamation declaring his intention to maintain every one in his rights and inviting all to lay their grievances before the King, who, he announced, would visit Norfolk in person. But Henry became insane in the following year, and the Duke's mission accomplished nothing.

Parliament then took the matter up, and attempted to diminish the litigiousness of the county by reducing the number of its lawyers. They had multiplied tenfold under Heydon and Tuddenham's influence.

'They came to every market, fair and other place where there is any assembly of people, exhorting, procuring, moving and inciting the people to attempt untrue and foreign

¹ i.e. the 3rd Mowbray Duke.

suits, for small trespasses, little offences, and small sums of debts.'

Parliament, therefore, in its wisdom, enacted that no more than eight should practise in Norfolk and Norwich.¹ But the legal warfare continued nevertheless, while the Wars of the Roses were being fought elsewhere.

It was in these circumstances that in November 1450 John Wyndham took another step towards building up his family fortunes by acquiring the Felbrigge property. The Felbrigge family, the former owners of the house and its adjacent manors, had faded out of Norfolk history at the pinnacle of its reputation. The famous brasses in the church nearby the house are perpetual and fitting memorials to them. The nearly life-size effigy of Sir Simón Felbrigge, the last of his lineage and its most distinguished son, represents him as a Knight of the Garter in full armour, while, as standard bearer to Richard II, he supports in the crook of his right arm a banner charged with the shield of England. Beside him is his first wife Margaret who was a first cousin of Anne of Bohemia, Queen of Richard II. Her pet lapdog lies at her feet. Over them is a double canopy recalling to the onlooker the dignity and beauty in detail of a great cathedral. Sir Simon's marriage attached him to the Court and he crossed over with Richard to Ireland in 1399. For this reason he was given no employment under Henry IV. But he raised twelve men at arms and thirty-six archers for the Agincourt campaign of Henry V and so was received back into favour. He died in December 1442 and was buried in the church of the Black Friars in Norwich, whose steeple was built out of a legacy left by his wife. He belonged to the medieval feudal society

¹ *Transactions of the Royal Hist. Soc.*, New Series, vii. 52.

that was now breaking up in the atmosphere of weakened sanctions that is common in periods of social and economic change. The old order was collapsing, the new was not yet established, and the violence and the lawlessness that we have described were the consequences. John was regarded by the county as one of the principal instigators of them.

Moreover, there were unsatisfactory features about the sale of the Felbrigge properties. Sir Simon had left them in trust to be sold after his widow's death. The trustees were Scales, Sir Oliver Groos, whose mother was Tuddenham's sister, and Lady Felbrigge.¹ Scales persuaded his co-trustees to sell him the reversion, and, when he had bought it, he sold it to John—certainly a doubtful transaction for a trustee. Pending the reversion falling in John leased the house from Lady Felbrigge. Thus, as he owned the reversion of the freehold, he was in effect already in full possession. The whole business was highly distasteful to the Felbrigge commoners. To them he appeared as an impudent and untrustworthy upstart pretending to step into Sir Simon Felbrigge's shoes by questionable means. Hence when he arrived to take possession they showed their resentment by giving him so rough a reception that he was forced hurriedly to conclude that 'the four swift feet of his horse were a better defence than his two hands', and to ride away as fast as his horse could carry him. It would seem that this was the most sensible thing he could do in the circumstances. But his enemies made the most of it. Richard Calle, the Paston family bailiff, reported it with glee to his employers. And Gloys, who it must be admitted

¹ Catherine Lady Felbrigge was a daughter of Anketill Mallory of Winwick, Northamptonshire. For Sir Simon's relationship by marriage to the Scales and Howard families see Genealogy I.

had some excuse for taking an uncharitable view of John's actions, looked upon it as another example of his churlishness.

Nevertheless, John and his family settled at Felbrigge although neither he nor his two wives were buried there. Margaret died in 1456, having lived long enough to see her elder daughter Isobel married to Sir Simon Wiseman of Great Thornham in Suffolk. Her second daughter Ela did not marry until 1458. Her husband was Thomas Fastolf of Cowhawe, and through him we are introduced to his uncle Sir John Fastolf and to further quarrels and litigation. Unfortunately the marriage angered Sir John because it was consummated before his consent had been secured. Moreover, there was a lawsuit pending between John Wyndham and him, and that fact was alone sufficient to alienate him. He was an unusual combination of warrior and business man. His record in the French war would alone have established his reputation. But in addition he knew how to apply his military combativeness to the building-up of a great fortune. This made him all the more difficult to do business with. It caused him to be querulous and quarrelsome, and revengeful against those whom he regarded as his antagonists. The affair in dispute between him and John is usually referred to as 'the Lady Bardolph matter' and was concerned with a trespass she had committed. Its ramifications also involved the municipal authorities of Norwich, Tuddenham, Heydon, and several others. Sir John included them all in his anathemas. 'Let all who were on the inquest for Bardolph's matter be indicted whatever it cost' were his instructions in January 1451. Two months previously he had been willing to consider Wyndham's offer of terms, and in December had respited the proceedings against him.

He was willing, he declared, to agree with all persons who could find sufficient surety, except Tuddenham and Heydon and a certain Pykering whom he regarded with a special aversion. But in September 1451 all hope of a compromise had vanished, and John was being harried like the others.

All this had unhappy repercussions on Ela's marriage. Her alliance with Thomas was one of the rare fifteenth-century love matches, carried through without regard for financial consequences, that to a man like Sir John seemed mere lunacy. Moreover, Thomas was doubly guilty. He was still a minor, and Sir John wished to marry him to a daughter of John Paston. And for him to go and tie himself up with a daughter of Wyndham was, to say the least of it, impolitic. And yet that is what he did. Sir John's feelings on the matter are described in a letter which his secretary, William Worcester, wrote to John Paston repeating a conversation which he had had on the subject with Wyndham. They had met casually, and Wyndham expressed the hope that Worcester would do his best to overcome Fastolf's objections. Worcester replied that if Sir John had been applied to before the marriage it would have been easier to reconcile him to it. But unfortunately Thomas's father also had married against Sir John's wishes, and had never been forgiven. Nor was Thomas. And so Ela's marriage was not as financially satisfactory as it might have been. Her husband inherited nothing under Sir John's will. He had to be content with being one of the claimants who disputed the validity of the instrument by which all the huge estate fell into the hands of John Paston.

At this time John Wyndham himself was preparing to marry again and was courting the widow of Sir John Heveningham, much to the disgust of her son,

who was then about twenty-eight years of age. He did his best to prevent the match, 'saying as much against it as he dared' without offending his mother.¹ He wrote to Margaret Paston, who was his cousin, and implored her to ask her husband to endeavour to break it off. As a means to this end she made the interesting suggestion that a copy of John's pedigree should be sent to Lady Heveningham in order to convince her that he was 'not as worshipful in birth and livelihood' as she supposed.² John, however, was willing to pay a handsome price for the lady's hand. He offered to sell the marriage of his elder son to a London merchant for 700 marcs and to devote half to paying off her late husband's debts. Such a proposal concerning a son's marriage was quite usual. It benefited both parties, the bridegroom's father getting a nice sum in cash, and the bride's father being gratified by his daughter marrying into a county family. In addition John made 'several other large proffers', including the manor of Felbrigge as a jointure.³ He hurried off to the Duchess of Suffolk, the widow of his former patron, and asked her to intervene; and she wrote to Lady Heveningham desiring that she would 'owe her goodwill and favour' to John; and in due course he married her without having to sell the marriage of his son to a London merchant.

In 1459 John was returned to Parliament for the second time after the Yorkists had been routed at the

¹ Paston, ii. 288. This letter has been assigned to the year 1453 because Sir John Heveningham died on 3 July of that year. But it must have been written after 1455, when Lady Hastings died.

² 'I pray yow sende me a copy of hys petygree that I may schew to hyr how worchepphul it is, for in goode feythe sche is informed . . . that he is more worchepphul in berthe and in lyvelihode thereto than . . . ony . . . can prove.'

³ He owned the reversion only until Catherine Lady Felbrigge died in 1461.

battle of Ludford. The session was at Coventry, and while he was attending it he took the opportunity to try to do something to advance his son-in-law's claim to share in the Fastolf estate. But the method he employed was not conducive to success and did more harm than good. Having secured an interview with the Lord Chancellor and the Lord High Treasurer, the former of whom was an executor of Fastolf's will, John accused him of serving in that capacity merely for the purpose of 'maintaining' John Paston's claim. Not satisfied with this accusation he went on to use 'many other words not profitable to his purpose'. Naturally neither Chancellor nor Treasurer submitted to such rating, and they answered John 'not to his liking, because of his noiseful language'. Soon afterwards the political situation also turned against him. He, together with Tuddenham and Heydon and three others, had been appointed to a commission to arrest and imprison all active Yorkists in Norfolk. No task could have been more congenial. But no sooner was it begun than the whole situation changed. The Duke of York managed to escape from the field of Ludford and went to Ireland, where he was welcomed as the true representative of the King. Warwick also, after an adventurous voyage in a fishing smack, reached Calais and held it against Henry, Duke of Somerset, who had been dispatched by Queen Margaret to take command of it. Warwick even captured the reinforcements sent to Somerset under Richard Woodville, 1st Earl of Rivers,¹ while they were still at Sandwich—a brilliant feat of amphibious warfare that struck terror into the Lancastrians. Moreover, he repeated the exploit in the following June, scattering the King's forces and retaining Sandwich as a base for his advance

¹ Father of Elizabeth Woodville.

inland. Soon afterwards he gained a complete victory at Northampton.

No event could have been of worse import for Wyndham. He had just reached the highest point of his career, and he and his associates were suddenly left at the mercy of their enemies. They realized to the full how critical their situation was, and even before the battle of Northampton was fought applied for letters of protection. Fortunately for them the Yorkist commanders were not bent on revenge. The Earl of March, both before and after he became Edward IV, was anxious to obliterate past feuds. He would not lend himself to vendettas. Hence the Mayor of Norwich, the Sheriffs, Bailiffs, Constables, and all other the King's Officers and Ministers in Norfolk were commanded to see that 'no man should rob, or despoil Sir Thomas Tuddenham, John Heydon or John Wyndham', without, however, protecting them from due process of law. But such generous treatment caused intense indignation in Norfolk. The Yorkists who had suffered saw no reason for it. The wildest rumours were current about the sinister intentions of its beneficiaries. A local priest, for example, in October 1460 wrote to John Paston, who was attending the first Yorkist Parliament, that a force was being maintained at Felbrigge that was a menace to the public peace, and suggested that Paston should bring the fact to the notice of the Earl of Warwick and the Lord Chancellor. In order to satisfy this public resentment, Edward IV appointed Sir Thomas Montgomery to be Sheriff of Norfolk in 1461, and through him conveyed fresh assurances that no one's rights of legal action were in any way affected, and that everybody would be protected in exercising them. So far as Tuddenham was concerned the county was deprived

of the pleasures of revenge, for he was beheaded in February 1462. Heydon also faded out, although his family continued to live at Baconsthorpe. The feeling against John Wyndham was not so strong; and he remained on at Felbrigge.

He was not, however, allowed to occupy it undisturbed, for Sir John Felbrigge, Sir Simon's second-cousin-once-removed, considered that his interests had been overlooked when the trustees sold the reversion to Lord Scales and Scales sold it to Wyndham. He assessed the damage done to him in these transactions at 200 marcs. He did not press his claim so long as John occupied the premises as the lessee of Catherine Lady Felbrigge, but when she died and the reversion fell in, he became very active. At first he tried to secure his end through the influence of the Earl of Warwick; but the result was only a delay, during which John, with prudent foresight, transferred all the Felbrigge properties into the hands of trustees. 'In truth,' Felbrigge wrote to John Paston on hearing this news, 'I must now make a shift.'¹ 'Making a shift' meant in the fifteenth century descending upon Felbrigge with an armed force, on a day when Wyndham was absent, forcibly ejecting Lady Heveningham, dragging her out, so it was reported, by the very hairs of her head, and taking possession of the house. This outrage was committed apparently early in June 1461, for on the 26th of that month John, meeting Clement Paston in the street in Norwich, informed him that 'he would have Felbrigge again before Michaelmas or five hundred heads would be broken'. Fortunately no such violent measures were necessary, and John regained possession by peaceful means. His son-in-law, Thomas

¹ Paston, iii. 215. The date assigned to this letter is January 1466. Should it not be June 1461?

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Fastolf, by transferring his claim to the Fastolf estate to John Mowbray, 4th Duke of Norfolk, who was also a claimant, secured the Duke's influence to get an order from Edward IV commanding the Sheriff to reinstate John forthwith. Sir John Felbrigge also was paid his 200 marcs. So all parties were satisfied.

This seems to have been the last scrimmage of John's career. He was now probably just over fifty, and ready to settle down to a more peaceful existence. He had made good his position in the county. He had accumulated a reasonably large landed estate. He had made one most satisfactory marriage. He now occupied Felbrigge by the King's authority. No doubt this fact, together with the marriage of his son to Margaret Howard¹ and the general change in the political situation, facilitated the transfer of his allegiance to the House of York. In 1461 he had told Clement Paston that he would 'go get him a new master', and Clement had interpreted the phrase to mean that John intended to 'be in the King's [i.e. Edward IV's] service'. No one was surprised, therefore, when on 29 February 1464 he was seen at the Shire House in Thetford, with 'the King's Livery about his neck', standing beside a judge who was reading aloud a letter from the King. In it Edward IV declared that justice would be done to all and that 'risers against the peace and oppressors of the people' would be chastised. Three years later John was returned as a member for Ipswich of Edward IV's fourth Parliament.

A letter, written about this time by John to John Paston, with whose family his relations in the past, as we have seen, had been far from friendly, shows the more benign atmosphere in which he was now living. A child had died in the house where Margaret Paston

¹ See below, p. 25.

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was staying, and another was dying. 'My lady and I', wrote John, 'both thought pity on my mistress your wife to see her abide there.' He therefore desired her to come to his 'poor house' until such time as Paston could make other arrangements. He also, at Margaret's request, found a stable for Paston's horse, a place for his hay and straw, and a chamber for his men. Then he goes on—'as touching payment I cannot say how ye shall be pleased with my poor fare, but after ye have come home and are acquainted therewith we shall so accord as shall be pleasing to both'. Obviously all the old rancour had been buried. The letter was written from Norwich, and it contains the statement that John had no other place that he would abide at. His wife, too, declared that she would die there. No doubt her forcible eviction from Felbrigge made her resolve never to return to it. And in Norwich both she and her husband stayed until they died. They were buried, as was also Lady Hastings, in the church of the Austin Friars, a place of burial of members of the Hastings, Clifton, and Morley families. To it John left the large legacy of £20 for masses for himself, his wives, and ancestors. Among his executors were two who are of interest to us because descendants of them appear later on in our history. James Hobart, like others of his family, was a distinguished lawyer and became Henry VII's Attorney-General. John Ferrour was a man of property, living at Gressenhall. To him John left a hundred shillings for his pains; and to the church at Gressenhall he bequeathed twenty pence as a contribution towards its repair.

2

During the last ten years of John Wyndham's life his son, who was known locally as 'John Wyndham

the younger', began to take part in public affairs. In 1466, at the age of fifteen or sixteen, he reinforced the connexion already existing through his mother between him and the Howards by marrying his cousin Margaret, daughter of Sir John Howard, 1st Howard Duke of Norfolk, in whose retinue he had served for two years. No marriage could have been more profitable for John's children, for the Howards were to do unrivalled service to the State during the first half of the sixteenth century, and their Wyndham cousins followed in their footsteps and thereby gained some distinction. The treaty of marriage stipulated that Sir John Howard should clothe both the bridegroom and the bride for the marriage, that he should furnish all manner of meat and drink for all attending the ceremony, and that during two years thereafter he should keep the couple, their servants, and their horses in food and drink. Furthermore, he conveyed the manor of Colby to his daughter, and it thus became part of the Wyndham family inheritance. In consequence of these generous terms John Wyndham's name appears constantly in the household expenses of his father-in-law. In 1466 he received £3. 5s. in cash. In 1467, besides small sums in cash, he was given 2 yards of 'fine murrey engrained' (i.e. dyed mulberry colour) costing 12s. In January 1467 Margaret received 10s. to buy a dress to wear at her father's second marriage. And so on, even after the two years were past.

John's prospects, therefore, appeared to be excellent. He had married a daughter of one of the most influential Yorkist noblemen and his family had liquidated its previous adherence to the opposite faction. Nevertheless, he was still regarded with some suspicion in view of his past Lancastrian connexions, and he had to be careful in his words and actions until 'he knew

the King's pleasure touching his pardon'. Moreover, the political situation was still far from secure. Edward IV had estranged many of his supporters by his marriage in 1464 with Elizabeth Woodville. Howard's loyalty had been greatly strained by it; and he had been still more incensed by the methods used to advance the fortunes of Elizabeth's relatives. The match arranged in 1465 between her fourth brother, aged twenty-one, and the Dowager Duchess of Norfolk, aged seventy, was obnoxious to most people, and particularly so to Howard whose mother had been a Mowbray. The Earl of Warwick also was antagonized by the ascendancy of the Woodvilles and by Edward's refusal to be guided by his advice on foreign affairs. It was as well, therefore, to walk warily. Even the inclusion of John's name in the General Pardon of 1469, for which his father-in-law paid,¹ did not resolve all John's perplexities because two critical years followed during which Warwick succeeded in temporarily restoring Henry VI to the throne. Nor did the death of the Kingmaker at Barnet and the rout of the Lancastrians at Tewkesbury remove all his anxieties, owing to Edward IV once again antagonizing Howard by appropriating the huge Norfolk estates after the death of the sole heiress of John Mowbray, the last duke of that name. She had been betrothed to Edward's second son aged four, but died before the marriage could be celebrated. Nevertheless, her estates were settled on the infant prince by Parliament, and Howard, who through his mother could claim to be her next of kin, was passed over. His resentment at this neglect was a contributory cause of his adherence to Richard, Duke of Gloucester, after Edward IV's death. He was under no obligation to

¹ It cost Howard 20s. for reading, 2s. for writing, and 2s. for enrolling.

the widowed Queen Elizabeth and was at no pains to conceal his hostility to her. He welcomed Gloucester's arrest of her brother Anthony, 2nd Earl Rivers, and her son Sir Richard Grey as they were escorting Edward V to London. He supported Gloucester in his assumption of the office of Protector, and continued to uphold him after he converted it into the kingship. In recompense he was created Duke of Norfolk.

John Wyndham followed his father-in-law's lead, and a small shower of appointments in Norfolk descended on him in 1483. He was a Commissioner of Array to raise forces for Richard. He was made a justice of the peace. He was a member of a commission to assess the subsidy to be paid by aliens. He was appointed a Supervisor of the 'conductors' and 'wafters'¹ of shipping on the coast of Norfolk and Suffolk and to levy contributions towards the expense of the service from foreigners wishing to fish in English waters.² Nevertheless, he did not espouse Richard's cause with the same zeal as his father-in-law. He was not at the battle of Bosworth, where Howard lost his life. He was not attainted of high treason and imprisoned in the Tower, as was his brother-in-law Thomas, Earl of Surrey, who was not restored to the dukedom until after his victory at Flodden. John Wyndham required no pardon at the hands of Henry VII and readily accepted his accession to the throne, usurper though he was. There was indeed no alternative, for after Bosworth the House of York was as much reduced as was the House of Lancaster after Tewkesbury. The Earl of Surrey, on surrendering to Sir John Talbot at Bosworth, justified his having taken up arms for Richard by saying that 'our maxim is to support the

¹ 'Wafter' = the commander of a convoying vessel.

² *Calendar of Patent Rolls, 1476-85.*

Crown of England—whoever wears it I will fight for; nay were it placed upon a hedge stake, I should think it my duty to defend it'. After the battle it was indeed found abandoned in a thorn bush; and when Lord Stanley placed it on Henry's head, the same reasoning applied to him.

John Wyndham's course now seemed set clear for him. He had inherited a fair estate in Norfolk, and he had himself enlarged it in 1480 by buying Cockfield's manor in Melton Constable, together with lands in Briningham, Briston, Burgh, Stody, and Gunthorpe, for 350 marcs, payable in instalments. Seven years later he distinguished himself at the battle of Stoke and was knighted on the field. He had, moreover, expanded his connexions and interests into Yorkshire through his relationship with the Howards. Thomas, Earl of Surrey, after his release from the Tower in 1489, had earned the gratitude of the King by subduing a rising in Yorkshire. In consideration of this service Henry granted him Sheriff Hutton Castle, and he occupied it from 1490 until 1500, with the result that a double marriage ensued between his Wyndham relatives and the Scropes. Sir John Wyndham after Margaret's death married Eleanore, the widow of Sir Richard Scrope, while Thomas Wyndham, his eldest son, married her daughter Eleanore. Not content with these family links with the north, Sir John then committed himself to buying from the Scropes the manors of Bentley, Hamthwayte, and Weighton, an undertaking which eventually obliged his son to pay £1,000 to Eleanore's three sisters, Mary, Jane, and Katherine Scrope,¹ and his grandson to fight a lawsuit.

Thus at the end of the century the chances of Sir John handing on to his son an enlarged estate and an improved position appeared to be satisfactory. But

¹ Their only brother Stephen died before marriage.

once more his hereditary Lancastrian connexions, especially with the Dukes of Suffolk, undid his prospects and caused him to end his life on the scaffold. In order to understand how this tragedy came about we must glance at the history of the Suffolks since the time when the Duchess helped John's father to marry Lady Heveningham.

The Duchess by a master-stroke contrived to marry her son to Elizabeth, daughter of Richard, Duke of York, and sister of Edward IV, thus making her family's position secure with the Yorkists. Indeed, by this marriage, it was brought within reach of the throne itself, for after the death of Richard III's only son in 1484, the Duchess's grandson, the Earl of Lincoln, was recognized as heir presumptive. After the battle of Bosworth had wrecked his prospects of ever ascending the throne, Lincoln was tempted to clutch at Lambert Simnel's grotesque claim to be Edward, Earl of Warwick, as a means of recovering some of his lost position. But he was slain at Stoke, where John earned his knighthood, and his estates were forfeited. Four years later (1491) his younger brother, Edmund, succeeded his father as Duke of Suffolk, but, to his mortification, he found that the estate was not now adequate to support the title. On making this humiliating discovery, he entered into an indenture with the King by which he renounced his dukedom and descended to be an earl. In consideration of the sacrifice he was given back a large part of the forfeited family inheritance, but subject to the payment of a fine of £5,000. Soon afterwards his pride was further offended by an indictment for manslaughter in the King's Bench. His growing resentment of these affronts caused him in July 1499 to quit England without the King's leave, in itself a serious offence. While abroad, he was enter-

tained by Sir James Tyrrell, the murderer of the princes in the Tower, at that time Governor of Guisnes.

The two Wyndham-Scrope marriages had established a new link between the Wyndhams and Suffolk, for the latter's wife was Margaret, another daughter of Sir Richard Scrope. Thus Suffolk was Sir John Wyndham's stepson-in-law and Thomas Wyndham's brother-in-law. The closeness of the tie between the two families is shown by Sir John Wyndham, his brother-in-law Simon Wiseman, and his son Thomas, all being trustees of Suffolk's marriage settlement.

Suffolk's first offence in leaving England was overlooked. He was persuaded to return and was received back into favour. But he again went abroad without leave; and this time opened negotiations with the Emperor Maximilian. Thereupon he was outlawed and his more prominent relations and friends were placed under preventive arrest. Among them were Sir John Wyndham and Sir James Tyrrell. To be accused of high treason in such circumstances was equivalent to a sentence of death; and when Wyndham and Tyrrell were tried at the Guildhall on 2 May 1502, there was never any doubt of the verdict. No record of the trial, which lasted two days, nor any other evidence of the guilt of the accused, nor indeed of the existence of any real plot to which they might have been parties has survived. It is not, therefore, possible to assess their innocence or guilt. All we know is that 'upon Friday following, being the sixth day of May and the morrow after the Assumption of our Lord, Sir James Tyrrell and the aforesaid Sir John Wyndham Knights were brought out of the Tower to the scaffold upon Tower Hill upon their feet when they were both beheaded'.¹

¹ Bacon, *History of Henry VII.* Sir John was buried in the Austin Friars church in London.

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After two brief generations the Wyndham family had collapsed. Its properties were forfeited and it seemed likely to revert to the obscurity from which it had so recently emerged. Symbolical of its fall was the retirement of Eleanore, Sir John's widow, who survived him three years, to the priory of Carrow, a Benedictine nunnery in the outskirts of Norwich which took in boarders wanting the quiet of a semi-monastic life. Here she lived comfortably enough and enjoyed the society of her friends. Moreover, she had with her her daughter Jane Scrope,¹ whose pet sparrow, Philip, has passed into the literature of her country. Gilbert the nunnery cat having murdered it, John Skelton, who was a native of Norwich and a visitor of her mother's, wrote a well-known poem expressing her indignation:

That vengeance I aske and cry
By way of exclamation
On all the whole nacion
Of cattles wilde and tame
God send them sorrow and shame;
That cat specially
That slew so cruelly
My little prety sparrow
That I brought up at Carrow.

Thus the sparrow survived its obliteration. So also did the Wyndhams, though in another kind. Ten years after Sir John's execution, his son Thomas had regained all the family estate and had entered upon a career that ended in the King's Privy Council, while his brother George became a priest and received high preferment in the Church.

¹ Both Jane and her sister Katherine married in Norfolk—the one to Thomas Brews of Wenham, the other to his first cousin Richard Audley of Swaffham, whose mother was a Brews.

II

SIR THOMAS AND HIS BROTHER GEORGE¹

I

SOME of the success achieved by Thomas and George, the one as a naval commander, the other as an ecclesiastic, was due to their relationship to the Howards. No other family could boast of an equal record of public service during the first half of the sixteenth century. Before the death of Henry VII Thomas Howard had redeemed all the family possessions and had regained the dukedom by his victory at Flodden. His elder son repeated the defeat of the Scots at Solway Moss thirty years later. His younger son Edward was Lord High Admiral of England in the French war of 1512-13 and lost his life in a gallant attack on French galleys at Brest. He was succeeded in his naval command by his elder brother. Thomas Wyndham served in the navy under both, being at least forty years old when he joined the fleet.

His lack of naval experience mattered not at all, for in the sixteenth century a fleet was an army on the sea. The admiral and the ships' captains were not seamen and had no sea training. They were the same sort of men as might be appointed to command the land forces. They were not responsible for the navigation, which was in the hands of masters, whose opinions on technical matters they had, of course, to consult. On the same principle half a ship's company were soldiers, who could board an enemy or make raids on shore, and the other half mariners and gunners, who were concerned with the ship. Hence Thomas,

¹ Sons of Sir John Wyndham of Felbrigge. See Genealogy I.

although a landsman, was quite capable of being the captain of Sir Edward Howard's flagship, the *Mary Rose*, at a salary of 18*d.* a day, the regular wage of an officer of that rank. On board were two hundred soldiers recruited in Norfolk, and as Thomas Wyndham had been a member of the Commission of Array for that county, it seems likely that they were of his own choosing.

The French war of 1512-13 was planned as a joint affair of Henry and of his father-in-law Ferdinand, King of Aragon. The treaty between them bound Henry to equip a fleet to command the sea from the mouth of the Thames to Brest, and to send an expeditionary force to Fuenterrabia to join with Ferdinand in invading France, while Ferdinand was to mobilize an equal force and defend the sea south of Brest. The English fleet consisted of eighteen ships and its first operation was to cruise in the Channel for a fortnight, chasing French fishing-boats and plundering trading-vessels regardless of their nationality. There was no opposition. The French fleet was not ready; and the English returned to Portsmouth in the middle of May, having established their supremacy in the Channel and so cleared the way for the army to go to Fuenterrabia. It sailed on 3 June, under the Marquis of Dorset, the fleet escorting it as far as Brest. Then Howard turned aside to make three destructive raids into Brittany, and, having knighted Thomas Wyndham and seven other captains to encourage them 'the more earnestly to show their valiancy', he cruised along the coast of Normandy, 'still scouring the sea so that no enemy durst appear'. He got home with twenty-six Flemish hulks and forty small Breton ships as prizes.

Henry was thoroughly satisfied with the performance of his fleet so far, and, at the end of July, came

down to Portsmouth to inspect it and to entertain the captains to a banquet. Meanwhile Ferdinand did nothing. On the other hand, the French had now mobilized fourteen ships in Normandy and eight ships in Brittany, and so soon as they were concentrated at Brest early in August, Howard sailed with twenty-five ships to engage them. He was still in the *Mary Rose* and Sir Thomas Wyndham was with him. They sighted the French fleet in the entrance of Brest harbour at about 11 a.m. on 10 August, and attacked them at once, the *Mary Rose* and the *Mary James* being in the van. A scuffling engagement followed in which the *Regent* of a thousand tons, the largest English ship, was blown up with the loss of Sir Thomas Knyvet¹ and Sir John Carew, her commanders, and all her company save one hundred and fifty. The French also lost an important ship, *La Cordelière*, but, avoiding a fleet action, withdrew into Brest, and left Howard once again to scour the coast and to sail back home before the end of August. This time he was rewarded with a grant of £66. 13s. 4d. and Wyndham was 'restored in blood' by act of Parliament, and so the last vestige of his father's attainder was removed.²

The return of Dorset's expedition a month later was far less honourable. It had been badly equipped, was untrained and ill-disciplined, and received no support from Ferdinand. It was so demoralized that it came home without leave and against the wishes of its commanders, having accomplished nothing.

The French were stronger on the sea in 1513. They increased their fleet to twenty-six ships, and brought

¹ Knyvet's grandmother was Lady Hastings's sister. His wife was Muriel Howard, daughter of the 2nd Duke of Norfolk and widow of Viscount Lisle. See Genealogy I.

² Statutes of the Realm, 1512, no. 6.

from the Mediterranean six galleys, commanded by Prégent de Bidoux, who had earned a high naval reputation fighting against the Turks and the Venetians. Being propelled by rowers these craft were independent of wind and tide, and their draft enabled them to manœuvre in water too shallow for a man-of-war. Moreover, three of them were armed with 'basilisks',¹ which were so formidable that one shot of one of them would sink any man-of-war. They played a prominent part in subsequent operations. Henry also enlarged his fleet, adding amongst other ships the *John Baptist* of four hundred tons, which had been bought for £1,000. Its company consisted of a hundred and fifty soldiers and the same number of mariners. John Kemp was its master, and Sir Thomas Wyndham was appointed its captain.

Soon afterwards he was promoted to another position. The fleet was in the Downs in March 1513, where Henry again inspected it, and took the occasion to appoint Thomas 'Treasurer of the King's army by the sea', the equivalent of Fleet Paymaster. This was a new post, of which he was the first occupant. It represented an advance in naval organization, centralizing work that had hitherto been done in each ship separately. He now drew 3*s.* 4*d.* a day, and had two clerks under him each drawing 8*d.*² Still more important for his future was the direct connexion with Wolsey which his new work gave him. Wolsey's management of the war established his influence with the King. But his rise was not welcomed by the Howards, who became his implacable enemies. Sir Thomas Wynd-

¹ A basilisk was a large cannon, generally made of brass, and throwing a shot of about two hundred pounds.

² Wyndham's account as Treasurer, for the period 11 Apr.—25 Sept. 1513, is printed in the *Navy Record Society*, x. 109–21.

ham, judging from his will, adhered to Wolsey rather than to the Howards. He left him £40, 'beseeching his Grace to be good lord to my wife and children as I have always found him in my time of life'.

The fleet was repaired and refitted during the winter of 1512-13 and was fully armed and manned by the spring. 'In all Cristendom owt of one realme was never seen such a flete as this', wrote its commander to his sovereign. But it suffered from one fatal defect. It was deficient in supplies. Its passage from the Downs to Plymouth was prolonged by bad weather, and when it sailed from Plymouth on 10 April to start the campaign, it had no more than ten days' food and drink in store. It was therefore imperative for Howard to bring the French to action in the first week, and he was confident that he would be able to do so. But the enemy's plan was to avoid fighting and to 'resort to the chamber of Brest', where it was difficult to get at them. The manœuvre was fatal to Howard, whose badly supplied fleet could not long maintain a blockade. On 15 April he sighted fifteen French vessels, but they at once 'fled like cowards into Brest'—wisely it would seem, as they were outnumbered by two to one. Once in Brest they were invulnerable. Moreover Prégent, who had been driven into St. Malo by the same bad weather that had delayed the English fleet, and who had been immobilized by mortality amongst his rowers, managed to break through the blockade and got into Whitesand Bay. On the other hand, some supply ships at last arrived for Howard, though the relief they brought was only temporary.

Howard was now faced with the choice of either sailing back to England for lack of food, or embarking on some desperate adventure. He did not hesitate to choose the latter alternative, and decided to attack Pré-

gent's galleys with his small ships, as his large ships drew too much water to get near them. It was a 'most dangerous enterprise', carried out with great coolness and courage, and led by the Lord High Admiral in person. It cost him his life.¹ But it did nothing to improve the position of the fleet. After it there were only three days' supplies in hand. And so the fleet set sail for Plymouth, where it arrived on 30 April in a lamentable condition. Its bad commissariat and its inability to do anything effective, except keep the French in Brest, had made it, so its new commander, Sir Thomas Howard, reported, 'the worst ordered army and the farthest out of rule' that he had ever seen. All the captains and the masters agreed that it could not be sent back to Brest.

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This return of the fleet in disorder was all the more serious because the war was now entering upon a new phase, of which the principal operation was the invasion of France by the King in person. Henry had decided to cross the Channel with his army at the beginning of June, and in the absence of the fleet, the French might interfere with his transports. Howard was, therefore, ordered to bring his ships to Southampton on 18 May. But he was windbound in Plymouth and did not get to Southampton until the beginning of June. Then he was informed by Wolsey that his supplies of victuals would not be ready for six weeks. He had, however, formed the opinion that the French would not come out of Brest unless they were joined by the Scots or the Danes. And he was right, for Henry crossed over without being molested, escorted by a small squadron under John Hopton, who had sold the ship commanded by Thomas to the government. The captures of Tournay

¹ Sir Thomas Wyndham did not take part in the attack on the galleys, so far as we know.

and of Therouenne brought the 1513 land campaign to a successful conclusion.¹

Meantime the fleet had to carry on the process of defending the Channel, especially as the activity of French privateers was growing. For this purpose it was organized in September into two divisions, the one operating in the North Sea and the other between Calais and Dover to cover Henry's return to England in October. Both divisions were based on Sandwich, and, in order to solve the supply problem, Sir Thomas Wyndham, as Treasurer, was instructed to victual and pay them 'from two months to two months during four months'. By next March he was back in Southampton, after the war had been officially ended by a truce.

But the fighting was not yet over, for information was received in March that Prégent, with his six galleys, was at Honfleur, apparently preparing for action. The fleet had, therefore, to be ready. This involved a further promotion for Thomas, who was relieved of his duties as Treasurer and appointed Deputy-Lieutenant and Vice-Admiral to Sir Thomas Howard, his flagship being the *Trinity Sovereign*, and his pay 10s. a day. On 18 April his Array was mustered and inspected by a commission composed of Nicholas Wadham and eight others. Then in the middle of the following month Prégent suddenly left Dieppe and, landing in Sussex, burnt the small village of Brighthelmstone. In revenge Sir John Wallop was sent to carry out a still more destructive raid in Normandy, and the fleet left Portsmouth on 23 April to go to Sandwich. There the Lord High Admiral arrived on 26 May to join it. But all the ships were at Dover, for Prégent was out threatening

¹ Weever, 796, says that Sir Thomas was at both these sieges. But he cannot have been there and with the fleet.

to attack it. Howard hurried on to Dover and arrived there at 7 p.m. He found that Sir Thomas Wyndham, 'by the advice of the most expert capitains and masters on the coast of Boulogne', had sent out, about noon, ten small ships with rowbarges and galleys well manned to cut off Prégent from Boulogne, while the other ships screened them, there being a haze so that one could see no more than a mile. But Prégent was not to be caught. As soon as he saw these movements, 'awaie went all the Frenchmen with sailes and oweres all that they myght and wone the poynt of the haven under the bulwarke'. As it was 'unpossible to come unto [them] there without utter confusion', the ships could only shoot their ordnance at them, and then, perceiving that the wind was shifting to the north, they haled out into the road and anchored. By midnight the wind was so strong that only two were able to get back to Dover, and the rest were driven south. So also was Thomas, with twenty sail. 'And at this oure,' wrote Howard the next morning, 'I see hym with them . . . comyng agayne unto us.'

The English never got another chance of fighting Prégent, for he was moved back to the Mediterranean soon afterwards.¹

It is a pity that the fleet had no better chance of distinguishing itself. It was now a very different arm from what it had been when it returned from Brest in the previous April; and Howard suggested to the Privy Council that the King should write a letter of thanks to the Vice-Admiral and captains. He had never, he added, seen men of better will to serve. The fleet was now broken up, and the Great Ships were ordered to Erith,

¹ The materials for the French war are from *Navy Record Society*, vol. x, *Cal. S.P.*, and M. Oppenheim, *The Administration of the Royal Navy*.

Woolwich, and other places, where a commission, including Sir Thomas Wyndham, inspected 'such tackle as remained in' them.

After the war Sir Thomas continued to be connected with the naval administration; and, as might be expected, some of his time was occupied with attending to the complaints and claims of men who had served under him. A holograph letter 'scribbled at Danbury'¹ in December 1514 deals with such a case. In it he certifies that John Pore, a sailor from Fowey, is willing to accept six weeks' pay in full settlement of his claim, although, seeing that he left Fowey on 4 March 1513 and was with the fleet when it was windbound at Plymouth in May, two months were due to him.

In the meantime the interminable dispute between the priory and the city of Norwich had once more come to a crisis over a claim by the city to muster certain men for the militia whom the priory considered were under its jurisdiction and therefore liable to be mustered by the county of Norfolk and not by the county of Norwich. A conference between the contending parties was held in the Convent of the Friar Preachers, close to Blackfriars Bridge, but no progress towards a settlement was possible. Cardinal Wolsey then took the matter up and came to Norwich. But even his intervention was fruitless. He had to be content with commanding the city authorities to submit their case to the arbitrament of Sir Thomas and one of the Westminster judges. The centre of negotiation being thus removed to London, two representatives of the city, of whom one was Leonard Spencer, journeyed thither to appear before the arbitrators. But again without result. Next year Leonard Spencer went up a second time with another colleague, and the arbitrators

¹ The home of Sir Thomas's second wife. See below, p. 40.

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were reinforced by the Cardinal himself and a second judge. Even this august tribunal failed. The next year the Mayor himself travelled up with Leonard Spencer. But the affair was not settled until Wolsey paid a second visit to Norwich and enacted an agreement.¹ It seems to have satisfied both sides; although the risk of hostilities was not wholly removed until the Prior had been transformed into a Dean at the Reformation.

Sir Thomas's health was already failing when he was engaged on this obstinate problem. He was not well enough to accompany the King to the Field of the Cloth of Gold, although he was nominated to be in his retinue. He stayed in London, helping to attend to Council business. He died at Felbrigge on 30 April 1522.

Such are the meagre particulars of Sir Thomas's public career that have survived. His service in the fleet had opened the way to his becoming within the short space of a decade a Vice-Admiral, a Knight of the King's Body, and a Privy Councillor.² So rapid a promotion was characteristic of the times. The Tudors had no personal interest in heredity as a qualification for office. They preferred to employ men promoted by themselves, and they were assisted in this break with the past by the losses of the old nobility in the Wars of the Roses, by the decay of feudalism, and by the replacement of its customary conditions by the new competition. At the same time, under their personal rule, the kingdom became more centralized, London grew to be more dominant and local capitals like Norwich diminished in importance. Hence the Court became the field

¹ *Cal. L. and P. Hen. VIII*, iii, pt. i, no. 1113.

² The inscription on Sir Thomas's tomb in Norwich Cathedral described him as:—'unus Consiliariorum Domini Regis Henrici octavi, ac unus militum pro corpore ejusdem Domini Regis, nec non admirallus' (Weever, 796). The inscription is now illegible.

for aspiring ambition, and its magnificence required that all who were attracted to it should conform to its extravagance. Thomas was no exception, and his living acquired a spaciousness unknown to his forefathers. He had three residences, at Felbrigge, in London, and in Norwich. He possessed gilt and silver plate worth more than 500 marcs. His household included 'gentlemen and yeomen', eight personal servants, boys of the kitchen and other offices, carters, ploughmen, and so forth. Moreover, his second marriage was almost as valuable in the relationships it brought with it as was his father's with Margaret Howard. It was with Elizabeth, daughter of Sir Henry Wentworth of Nettlestead in Suffolk, and widow of Sir Roger Darcy. Her sister Margaret was the wife of Sir John Seymour and the mother of Jane, Henry VIII's third wife, who bore him Edward VI, and of Edward Seymour, the Lord Protector Somerset. Furthermore, it is clear that even before 1512 Thomas was a man of position and financially prosperous. Otherwise he could not have redeemed the family estate by paying 2,450 marcs to Henry VII for the privilege. Nor would he have been able to pay the £1,000 due on his father's purchase of Bentley, Hamthwaite, and Weighton in Yorkshire. But later on there are obscure and sinister allusions in the Treasury records to large loan transactions, and he appears at some time to have suffered losses in which his cousin, Sir John Wiseman, shared 'to his great undoing'. An examination of his will, too, leaves the impression that his finances were not equal to the state he had to maintain as a member of the King's Council and a Knight of his Body.

The will is in every way a most notable document. It bears testimony both to Sir Thomas's position by the magnificence of its diction, and to the strain on his

finances by the legacies in it being greater than his estate could afford. Its diction may be demonstrated by comparing the opening commendation and confession of faith with those in the wills of his grandfather and stepmother. John the elder was content with: 'I commend my soul to Almighty God, the Blessed Virgin Mary and all the Saints.' Eleanore's phrase was almost the same: 'I commend my soul to God Almighty, our Blessed Lady and all the Holy Company of Heaven.' These are more or less common forms, taken, it would almost seem, from some lawyer's book of precedents. They did not satisfy Sir Thomas. His is a more elaborate and individual appeal, drafted as though his death was more than a mere repetition of the common destiny of man:

'For the recommendation of my soule into the moost mercifull hands of him that redemed and made it I make this my accustomed prayer—Domine Jhesu Criste qui me ex nichillo creasti fecisti redemisti et predestinasti ad hoc quod sum tu scis quod de me facere vis fiat de me secundum voluntatem tuam cum misericordia—and thus unto Thee my soule I comytte. And howe be it a synful creature knowinge perfutely that of my merits I cannot atteyne to the lyfe everlasting. Nevertheless I trust that by the speciall grace and mercy of Thy blessed Mother our Lady Saint Mary, on whom after Thee hath ben my moost singular trust, will of her infinite petye take my soule and hit present unto her moost dere Sonne, whereof swete Lady moost humbly I beseche Thee. And specially to myn accustomed advourys I call Saint John Evangelist, Saint George, Saint Thomas of Caunterbury, Saint Margaret, Saint Kateryn and Saint Barbara, with your holy prayers to be intercessours and mediatours unto my Maker.'¹

While he was yet alive he had spent a considerable sum

¹ St. Catherine of Alexandria, St. Margaret, and St. Barbara were revered as three of the most helpful saints in heaven (*Cath. Encyc.*).

in purchasing hereditaments in ten different parishes to produce an income of £46 to endow the keeping of his obit for ever. His will added to this generous provision by requiring a thousand masses to be said in the city of Norwich and other places for the repose of his soul. To Felbrigge Church he bequeathed 5 marcs to the high altar 'for tithes forgotten', 5 marcs for church repairs, his 'greatest antiphoner written in parchment', a vestment, a cope, and an altar cloth of velvet. He left St. Benet's College¹ in Cambridge £200 to found a fellowship to be held by a priest known as 'Wyndham's priest', to sing and pray for him and his friends in perpetuity. He made other similar donations and bequests. He was a patron of the priory of Beeston, which became Wyndham property after the Reformation, and he bequeathed it £20 and a vestment of velvet wrought with the image of St. Margaret. He showered benefits upon his friend Dr. Peter Nobys. He was a munificent supporter of the priory at Thetford. He left it £5 to pay for the tiling of its bakehouse. He and Nobys presented it with a library of a hundred and thirty volumes. He gave it 130 marcs on condition that it paid Nobys £5 a year, built him a study and bedchamber, and provided stabling for his two horses. Sir Thomas bought land in order to endow Nobys with an annuity of £10. 3s. 4d. His friendship for him accounts for his interest in St. Benet's College, Cambridge, of which Nobys was Master from 1515 until 1523.

After religious bequests came family legacies, among them being provisions for the marriage of Sir Thomas's own children and his Darcy stepdaughters. The marriages of two of his own children had already been arranged before his death. He had sold his eldest son Edmund's to Susan Townshend for 500 marcs payable

¹ Now Corpus Christi College.

by her father Sir Roger. But as a set-off to this receipt he had agreed to settle manors on her of sufficient value to produce an income of £80 a year. He had further entered into a contract stipulating that Andrew Luttrell, the eldest son of Sir Hugh Luttrell of Dunster Castle in Somerset, should marry one of his three daughters Elizabeth, Margaret, or Mary. Andrew chose the second, Margaret, and Sir Thomas had to pay Sir Hugh 700 marcs in instalments as her portion. Thus it would seem that the eldest son of the Luttrells was worth 200 marcs more than the eldest son of the Wyndhams. Moreover, in addition Sir Thomas had to apparel Margaret for the wedding and pay half its cost. In return Sir Hugh declared that Andrew should be the heir of all his real estate.¹ In the next chapter we shall meet with Margaret's son, John Luttrell, serving as a naval captain with his half-uncle Thomas Wyndham. Mary, Sir Thomas's youngest daughter, was not yet married when her father died. But her fate was settled. Her husband was to be Erasmus Paston, the great-grandson of the John and Margaret Paston with whom her great-grandfather had been on such bad terms. No record remains of the marriage contract. It probably did not differ materially from Margaret's, for Erasmus was the eldest son and heir of the Paston estates and his marriage was a valuable asset.

These settlements, completed before Sir Thomas's death, left his two Wyndham sons John and Thomas and his two Darcy stepdaughters still unprovided for. To the two latter he left legacies of £200 each towards their marriage portions. To the two former he left 3,000 marcs each, with instructions that two-thirds of both amounts should be expended in buying them

¹ These terms may be compared with those of the marriage of Margaret Howard and Sir John Wyndham. See above, p. 23.

marriages 'of inheritance of lands', in other words heiresses. To his son Thomas also he left the Weighton property in Yorkshire.

Against these outgoings Sir Thomas had acquired three temporary sources of income in the shape of the wardships of three heirs who were minors.¹ He paid £500 for the wardship of Edmund Knyvet, the heir of Sir Thomas Knyvet, who had lost his life in the *Regent*, and so acquired the custody of Edmund and of all his lands without having to render any account of the receipts. He also had the right to sell Edmund's marriage, and he left an instruction in his will that Sir Anthony Wingfield should have it for £400, and that, if he refused it, the executors should sell it to the highest bidder and apply the proceeds 'to the use of my testament'. The other two wardships were of Edward Inglose and Richard Southwell. The former was already eighteen when his father died in 1517; his nonage therefore lasted but a short time. The latter was born in 1504, and, before Sir Thomas's death, had been safely married to Thomazin, a Darcy stepdaughter. Later on he became a prominent subordinate of Thomas Cromwell in the dissolution of the monasteries.

At least £6,000 in liquid assets were needed in order to carry out the terms of the will. How much ready money was locked up in Sir Thomas's chests when he died we have now no means of discovering. But that he knew that the amount would be insufficient is evident from his setting aside ten of his manors and 'purchased lands' to be held in trust by his executors for seven years after his death. But the annual value

¹ Wardship was part of the feudal system and followed from the principle that landownership depended upon the performance of services. A minor being incapable of fulfilling them, his land reverted to his lord during the minority. With land held *in capite* the wardship was the King's to be granted or sold to whom he pleased.

of all these properties was less than £150. They could not therefore in themselves suffice for the will, even if the actual profits received from them exceeded their assessed value. The executors, therefore, had to cut the coat according to the cloth. Only one of their papers has been preserved. It is headed 'The dymynycon of the Legacyes'. It shows that they had been able to pay out only £2,788.¹ The funeral, which Sir Thomas wished to be performed 'without damnable² pompe and superfluitie', cost £232. 16s. 2d. No doubt this was a reasonable sum for a man of his position. But it seems a large amount when compared with the £66. 13s. 4d. spent on carrying out his wish, perhaps inspired by the example of Henry VII at Westminster, to repair the Lady Chapel at Norwich, to vault it in freestone in the same style, colouring, and gilding as the Cathedral, to decorate it with his arms, badge, and devices properly displayed, and to build in it a tomb for himself and his two wives. The expenditure was not enough to prevent the chapel being demolished as a ruin fifty years later, when the tomb was removed to the Jesus Chapel in the Cathedral. It is now in the nave. The two younger sons, John and Thomas, received only a quarter of the 3,000 marcs left to them. The fellowship at St. Benet's College lapsed altogether. The thousand masses to be said for Sir Thomas's soul were reduced to five hundred. His servants, who were to receive £90, got nothing; and so on with less important legacies. Some of the bequests were met in full. Cardinal Wolsey received his £40. Margaret and Elizabeth

¹ The account is not dated. It is possible, therefore, that it was not final. It ends, however, with the words, referring to the total, 'and so is dymynyshed' which seems to imply that the total of the legacies paid was reduced to the sum stated in the text. S.P. Hen. VIII, 233/2, no. 119.

² Meaning 'worthy of condemnation'.

Darcy each got their £200. Their mother was paid in full. She enjoyed many benefits for her life. The income from a thousand sheep was reserved to her. She had the right to select plate to the value of £333. 6s. 8d. She got £100 in cash. She could if she wished occupy Felbrigge Hall and have the use of 'all the utensils and stuff of the household', but subject to paying a rent of £40, which included the manors of Runton and Aylmer-ton, with the exception of the sheepwalks. They were reserved to the executors for seven years. She had a life-interest in the manors of Bentley and Hamthwayte in Yorkshire.

2

Sir Thomas died seven years before the Reformation Parliament met. George Wyndham lived through the critical period of the breach with Rome. He was a priest; but he appears to have accepted the change without much difficulty or hesitation. He was not of the stuff that makes martyrs. But to say this is not to imply that he was a mere time-server in the sense that his actions were governed entirely by personal motives, any more than were those of all his fellow countrymen who were not willing to oppose the leadership of the King. The ecclesiastical revolution, pushed through so masterfully by Henry, coincided with the advancing spirit of their age. It excited their growing sense of nationalism. It appealed to their resentment of clerical abuses. It quickened their faith in evangelicalism. It set their country on a course that the vast majority of their descendants have never regretted. Moreover, Norfolk was a fruitful soil for the innovators. 'The place where men are customably burnt',¹ just outside the Bishop's gate in the east wall of Norwich, witnessed the martyr-

¹ See map of Norwich at the end.

dom of several of them. Personal ties with Trinity, Gonville, and St. Benet's Colleges forged a special link between the county and Cambridge University, where, at the White Horse Inn, scholars, many of whom were Norfolk men, met to discuss Luther's writings. The county seaports were the ports of communication with the continental movement, and the merchants and those who lived near the sea were particularly infected by it.

George's will is the only extant document that we can quote as evidence of his response to these developments. But so far as it goes it is conclusive enough. Its opening commendation and confession of faith, with their final evangelical appeal to the 'Word of God', are significant contrasts to Sir Thomas's of twenty years before. They require no comment:

'I commend my soul into the hands of God my Father through the merits of our most merciful Saviour, being fully persuaded that all my sins are forgiven through Him and I shall but sleep in Him for a while and in the last day arise again the child of salvation, protesting to all the world that I nothing doubt of any article concerning Christ's faith contained in the Word of God.'

As to his nationalism, we can but cite the legacy of £400 which he left in the hands of the 3rd Duke of Norfolk with a request that he would found with it a free grammar school in Stoke-by-Neyland¹ to be dedicated to the honour of God and 'the profit of the commonweal of England'.

Sir Thomas Wyndham gave George his first preferment by presenting him in 1512 to the living of Danbury. From there he moved to Duxford St. Peter, a

¹ George's connexion with Stoke-by-Neyland was through the Howards. Sir John Howard, the first duke, married as his second wife the daughter and heiress of Sir William Tendring of Stoke-by-Neyland.

parish close to Cambridge in the gift of St. Benet's College. He resigned it in 1526 and became Rector of St. Olave's, Southwark. The change brought him to London, where Norfolk was now Treasurer and President of the Council, and was busily engaged in undermining Wolsey's authority. George acted as emissary from the Duke to the Cardinal, whose recollections of Sir Thomas Wyndham may have weighed in his favour. From now on he owed his more rapid advancement to the Duke, who presented him in 1528 to the Archdeaconry of Norwich, having obtained a grant of the advowson apparently for that special purpose. We can form some idea of the revenues accruing to George from these benefices because we know the amount he was called upon to pay to the 'amicable loan' levied on the nation by the King through Wolsey to meet the cost of the second French war of 1523. The imposition was highly unpopular. Nevertheless, both Parliament and the Convocations of Canterbury and York agreed to it, and the clergy were assessed at half a year's stipend payable over five years. With George this meant a payment of £63. 3s. 8d.—hence his emoluments for the years 1523–8 must have been £126. 7s. 4d. a year—a good stipend in those days. Moreover, in 1529 he became a member of Canterbury Convocation and was elected Master of Rushworth College in Norfolk—a fourteenth-century religious foundation of Sir Edmund Gonville of Gonville College, Cambridge.

In the same year (1529) the Reformation Parliament met and Cardinal Wolsey fell. The Duke of Norfolk was encouraged to aspire to take his place in the King's Council. He had actively promoted the divorce of Catherine of Aragon and had signed the letter to the Pope threatening the withdrawal of England from his jurisdiction if he failed to meet the King's wishes in the

matter. He was Anne Boleyn's uncle, George was her cousin; and in the circumstances it seems certain that he adopted the same attitude as his patron. Nor does he appear to have hesitated about accepting Henry as Supreme Head of the Church in England, for in 1531 the Precentorship of St. Paul's Cathedral was added in plurality to his other benefices; and soon afterwards he and the three fellows of Rushworth renounced the Pope's supremacy. The next step in the Reformation legalized the use of the English Bible and ordered every church to have one. Then came the dissolution of the religious houses, Rushworth amongst them. On 6 December its master and three fellows surrendered to the King its movable and other assets, including three manors in Norfolk and one in Suffolk, together with its obligations. Seven days later the manors were granted to Henry, Earl of Surrey, whose father's sheep, in anticipation, had been grazing on them during the two previous years free of charge.¹

Here, for the time being, the Reformation stopped. There was a check in 1539, and the old religion was established by law subject to the above three radical changes. The Act of Six Articles—'the whip with six strings' to the Protestants—introduced into Parliament by the Duke of Norfolk—reaffirmed the validity of important points of the Roman faith and imposed conformity to them on the nation. It is evident from George's will that he approved of this conservative enactment and that he reconciled it with his evangelicalism. The fifth clause declared that the use of private masses ought to be continued, although the dissolution of the monasteries and chantries had destroyed institutions created for that purpose. George in his will sought to

¹ *Norfolk and Norwich Archaeological Society*, vol. x, article on Rushworth College.

establish a new one. His grammar school was not to be exclusively educational. It was in addition a religious foundation in that its headmaster was required, out of his endowed salary of £12 a year, to pay 10s. for an annual obit for the souls of the Duke of Norfolk, his ancestors and descendants, and of George himself;¹ and each scholar was to be present at the High Mass and pay a halfpenny to the offertory.

Neither did the Reformation interfere with pluralities. They remained subject to the same principle that, although in theory they were objectionable, in practice they should be permitted in particular cases by dispensation. The necessary documents had been easily obtainable from Rome. The Act abolishing the papal authority to issue them for England transferred the power to the Archbishop of Canterbury and further required that his exercise of it should be confirmed under the Great Seal in all cases in which the fee, had it been paid in Rome, would have exceeded £4. George's pluralities fell well within the more expensive category, and in 1537 a Royal Licence was issued enabling him to hold during life any other benefice, in addition to those he had already lawfully obtained, provided it was not of episcopal dignity. It is to be observed that the privilege was conferred on him 'in consideration of his faithful service to our well-beloved cousin and counsellor Thomas Duke of Norfolk'.² And in accordance with its intent, shortly before his death, he was pre-

¹ The omission of any mention of George's own family is difficult to explain. At any rate, the school never materialized—£400 was obviously an inadequate endowment.

² George signed, but only by proxy, the judgement of the united Convocations declaring the King's marriage to Anne of Cleves nul; and he lived just long enough to see the disgrace of her successor, Catherine Howard, who was the same relation to him as was Anne Boleyn.

sented by Royal Letters Patent to the Precentorship of Chichester Cathedral which had become vacant through the death of William Horsey.

A peculiar lawsuit arose out of this last preferment. It appears that Richard Sampson, Bishop of Chichester from 1536 until 1543 and a prominent reformist divine, whose Latin oration vindicating the King's supremacy and confuting the doctrine of the papal power in England had been distributed among foreigners by Henry, held the advowson of the precentorship as bishop. In his anxiety to exercise his right of appointment he was not willing to wait for William Horsey to die before he granted the reversion of the preferment to Thomas Thornham, the rector of Fobbing, in Essex. Then in 1543 he was translated to the see of Coventry and Lichfield, a promotion which rendered his grant of the reversion to Thornham void. Until a new Bishop of Chichester had been instituted the nomination was vested in the Crown. Thereupon Thornham, so Sir Edmund Wyndham, George's executor, declares, realizing that he could not now hope to fill the benefice, deceived George, who was 'unlearned in the law' and ignorant of the translation of Bishop Sampson, by selling him the reversion, 'knowing full well that the grant he held was void'. The price was £100. But it was to be paid after George's death by his executors; and William Cowyk, Proctor of the Arches, stood surety for it. Then George, as we have already noted, was appointed by the Crown, and so left no instructions in his will for the payment of £100. Thereupon Thornham sued Cowyk, who appealed to Sir Edmund Wyndham to support him in his defence. How the matter ended we do not know: but from the facts as stated by George's own executor, it would appear that he was not averse to committing simony, a not uncommon

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contemporary offence, and evading its possible earthly consequences by paying the price after death.¹

And so we part from George, bearing in mind that he lived in the sixteenth century, not in the twentieth.

¹ *Chancery Proceedings*, 1543-4, 1092/82.

III

THOMAS, VICE-ADMIRAL AND NAVIGATOR¹

ACCORDING to the plan of the preceding chapters this one should deal first with Sir Edmund Wyndham, Sir Thomas's eldest son. But in this case it is more convenient to give the youngest son Thomas the first place and to allot the whole of the chapter to his public career, leaving his elder brothers, Edmund and John, to Chapter IV. Another reason for this arrangement is that Thomas, who, like his father, served in the navy, got his first opportunity in the North Sea and in the Solent in 1544 and 1545, that is to say, just after George's death. Thus our narrative is made more consecutive. Nevertheless, it must be interrupted in order to relate whatever is known of Thomas's earlier career.

He was about twelve years old when his father died, and he was then being educated by William Chamberlain, the family tutor. Sir Thomas, however, cherished ambitions to send him to the University of Louvain, and, if the state of Europe allowed it, to the University of Bologna, there to continue his learning 'in humanity and civility' until he was twenty-one, or longer if he so wished. William Chamberlain was to accompany him and stay at least five years with him, receiving a salary of 20 marcs a year. It seems likely that some of this programme was carried out, for Sir Thomas's executors spent £120 on Thomas's education, and paid William Chamberlain £33. 6s. 8d., a sum equal to two and a half years at 20 marcs a year. But Thomas was not by

¹ Third son of Sir Thomas Wyndham of Felbrigge. See Genealogy I.

nature a student. He was an adventurer rather than a humanist. We next hear of him serving with the forces in Ireland; and there we must be content to follow him.

No more promising country than Ireland could be imagined for any one desiring to fish in troubled waters. It was in a chronic state of multiple civil war. The Desmonds, O'Briens, Fitzgeralds, O'Neils, and others of their kind, carried on an incessant internecine strife. The authority of the English government was negligible. No Lord Deputy remained in office more than a few months, and the English settlers in the Pale were tributaries to the Irish who at the same time were displacing them as tenants. When Thomas was about twenty-five and serving in the retinue of Thomas Cromwell, the rebellion of Lord Thomas Fitzgerald, the eldest son of the Earl of Kildare, the Lord Deputy, brought things to a head. His revolt was doubly treasonable seeing that he was at the time acting as Lord Deputy in his father's absence and that he attempted to gain over James, 9th Earl of Ormonde, by promising him half Ireland—a bribe Ormonde declined to accept. Such conduct called for the most rigorous Tudor reprisals. A force was at once dispatched from England under Lord Leonard Grey with Sir William Brereton in command of the foot and Edward Dudley¹ in command of the horse. Thomas was anxious to join it, and with the patronage of Cromwell and a connexion with the Seymours he had no difficulty in securing an appointment to command a hundred archers under Brereton. But the latter strongly objected. He wrote protesting that it would interfere with 'the promotion of my sons and friends', and that 'the stommocks of my fowlkes will not be so

¹ Afterwards 4th Baron Dudley.

apt to do their exployte'¹ under a stranger. A similar protest was sent in by Dudley, and Thomas had to stay at home. But he got to Ireland three years later, being given the command of three hundred archers. In the following March, however, he fell 'sore sicke' and was obliged to apply for leave to return. 'His physicians', so he explained, 'show him that he shall be in peril of his life unless he repair to England, where the air is most natural and comfortable to him.' He returned from Ireland convinced that Ormonde was a traitor, and spoke out the opinion so openly in London that he was called upon to make a statement on the subject to the Privy Council.² His command was given to John Brereton, which must have pleased Sir William.

This disappointing end to his first campaign did not adversely affect Thomas's prospects. He was soon to have plenty of opportunity to earn renown away from the unhealthy Irish climate. Sea breezes and Scotland were more to his liking, and they soon called him to a career which brought him to the rank of Vice-Admiral and to a sea burial in the Bight of Benin. In the meantime, pending further employment, he married Mary Everard, of Lynnhstead, in Suffolk, and settled in Somerset, first near Stowey, and afterwards at Marshwood Park, near Dunster—a property leased to him by his half-nephew, Sir John Luttrell, at a nominal rent during his lifetime.³ Scotland offered even fairer opportunities for a soldier of fortune than did Ireland. Its common frontier with England made border warfare almost the normal state of the mutual relations of the two coun-

¹ *Letters and Papers, Foreign and Domestic, Hen. VIII, 1539, Part II*, no. 303. What is the exploit of the stomach?

² *Acts of P.C. 1540-2*, p. 88.

³ Maxwell-Lyte, *History of Dunster*, i. 160. Many parts of the house in which Thomas lived may still be seen within the present most interesting farm-house of Marshwood.

tries, while their European interests were antagonistic. The traditional alliance between Scotland and France embarrassed Henry's European adventures by threatening him in the rear and was an obstacle to the spread of his ecclesiastical policy northwards. Moreover, the internal condition of Scotland resembled that of Ireland. The central government had little authority over the feudal magnates. The Crown had been weakened by the frequent succession of minors and could not establish its authority as did the Tudor monarchy in England after the Wars of the Roses. On the death of James V, after the battle of Solway Moss, his infant daughter Mary succeeded. Her mother, Mary of Guise, was a passionate adherent of the Roman Church and of the traditional alliance of Scotland and France. Her chief Minister, Cardinal Beaton, was an equally inflexible supporter of the same two causes. Henry VIII, on the other hand, was determined that Scotland should be cut adrift from its French connexion and should follow the English example in the Reformation. In June 1543 he warned the Scottish Council that he would insist on uniting their country to England and on marrying their infant Queen to his son Edward. The Earl of Arran, who was Scottish Regent, at first acquiesced, and both proposals were embodied in the two treaties of Greenwich. But the Scottish people refused to agree. 'They would rather suffer extremity than be subject to England', reported Henry's chief agent in Edinburgh. They repudiated the treaties, renewed their alliance with France, and, under the leadership of Archibald Campbell, 4th Earl of Argyll, removed the infant Queen from Arran's custody. Nor was Arran prepared to sacrifice himself for the treaties. He bowed to the storm and submitted himself to the Cardinal. Such an incontinent disavowal of treaties

immediately after their signature was regarded by English patriots as typical of the duplicity and unreliability of the Scots. Thomas Wyndham was convinced that 'unless [you] will handle them with fire and sword they will never be good, but give [you] fair words and will perform nothing'.¹ Henry was of the same opinion and at once renewed the war with both Scotland and France. An expeditionary force under Sir Edward Seymour, Earl of Hertford (afterwards Duke of Somerset), was hurriedly collected at Newcastle, and a fleet, under the Lord Admiral, Lord Lisle,² was ordered to go there and transport it to the Firth of Forth, while a body of horse penetrated into the country overland in the same direction. Both commanders were Thomas's cousins, and he served under Lisle in the fleet.

Lord Lisle sailed from Harwich with ten ships on Tuesday 25 March 1544. With him went Lord Clinton in the *Swallow*, and Thomas Wyndham in a 'west-country ship' called the *New Bark*—a 'goodly vessel' of 160 tons, 'well furnished with ordinance', and with a complement of 140 men. The ships kept together until Wednesday at noon, when they lost sight of each other in a mist; and only five of them reached Newcastle on the 29th. They had delayed two days trying unsuccessfully to regain touch with the Admiral; and not until 8 April was a message received from him saying that he, with the rest of the fleet, including the *New Bark*, was off Yarmouth, and hoped to make Tynemouth within two days. Five days later he had got only as far as Hull; and he did not arrive at Newcastle until 18 April, bringing with him the necessary transports for

¹ *Cal. S.P. Scotland*, 1547-63, no. 185.

² Sir John Dudley, Lord Lisle, afterwards Earl of Warwick and Duke of Northumberland. His father was Empson's unpopular partner under Henry VII, his grandmother Muriel Howard. See Genealogy I.

the army. In the meantime the *New Bark*, with seven other ships, had been detached to patrol the North Sea and protect the fleet. Hence Thomas took no part in transporting and escorting the army from Newcastle to Leith. Nor was he present when that port and Edinburgh were burnt, when Holyrood Palace was destroyed, and the country-side laid waste. However, his half-nephew, John Luttrell, went through it all and was one of the fifty-six who were knighted in honour of it.¹

After Scotland had thus been cowed and made safe, Henry was able to address himself to carrying the war into France. His plan of campaign resembled that of 1512. He had then co-operated with his father-in-law Ferdinand. He was now allied with his nephew Charles V. Their treaty stipulated that Henry was to invade France through Picardy, the Emperor through Champagne, and that each Prince should equip ships, furnished with two thousand men, to keep the narrow seas. The latter requirement necessitated a fresh disposition of the fleet, and as a consequence the *New Bark* was ordered to 'go westwards'. But Thomas, and others of his fellow captains, pointed out that they had neither powder, bows, nor pikes, and that their armament was generally in an unserviceable condition. His ship, for example, had but half a barrel of powder, enough only to discharge four of his pieces. To meet the deficiency he was given two firkins of powder from the *Minion*, but had to leave without making good his other wants.² All of which shows that the supply services of both navy and army were no better in 1544 than

¹ Thomas Wyndham's pay for 'his service on the narrow seas' from 18 Apr. to 9 June amounted to £3. 19s. 6d., that is to say, 1s. 6d. a day for fifty-three days.

² On 14 Sept. Thomas Wyndham was paid £4. 7s., being 1s. 6d. a day for fifty-eight days from 10 June to 6 Aug.

they had been in 1512. Nor was the campaign of 1544 more profitable than was that of 1512. Its only prize was the capture of Boulogne, and that was an embarrassment rather than an asset; for Henry's obstinate refusal to give it up prevented him sharing in the Peace of Crespy which the Emperor made with the French in September.

Thus, after having burnt Edinburgh and captured Boulogne, Henry was left to carry on the war alone. His plan of campaign was the familiar one of making raids on the French coast. For this purpose the fleet was put under the command of Sir Thomas Seymour, Hertford's brother, who was ordered in October to lie off the French coast and to send his smaller craft to burn the shipping in Etaples harbour and to ravage the country. After that he was to cruise along the coast of Normandy doing as much damage as he could, then to return to Portsmouth to revictual and to take over supplies to the army in France. Thereafter he was to take up a position near the Isle of Wight and from it harass the enemy. Thomas sailed with the fleet as captain of the *Struse of Danzig*, a foreign vessel of 400 tons and 260 men, her master being Andrew Manning.¹

Seymour found his orders difficult to fulfil. He had first to concentrate his fleet. He himself was at Harwich in his flagship the *Peter*, the other ships were at Dover and in the Thames. When the ships from the Thames reached the North Foreland on 3 November there was so strong a south-east wind blowing at Harwich that the masters dared not put to sea for fear of being driven north to the Humber. However, Seymour managed to reach Dover on the night of the 5th-6th, after the wind had changed to the north. At Dover, however, he was alarmed by it veering round to the east. So he sailed at

¹ Thomas received his last pay as captain of the *New Bark* on 20 Oct.

once for Boulogne; but, owing to the contrary wind and tide, he only reached it at two in the afternoon. He intended to begin scouring the French coast on the next day. But during the night the wind blew so strong from the east-south-east that he was obliged to put to sea 'and had much ado to fall next night with the Isle of Wight', with only seventeen ships. Thomas Wyndham and several others were 'driven to go within three fathoms of the French shore for surety', where they managed to sink two fishing-boats—the only damage done to the enemy. The *Lion of Hamburgh* struck a rock, but was saved with the loss of only three men. On the other hand, the *Christopher of Bremen* was lost with 259 men. Only forty-one of its complement were saved. All the fleet's boats except six were washed away. Much other damage was done, and many of the ships were driven as far west as Dartmouth. It was 'as sore a storm as ever I saw', so violent, indeed, that 'the ordinance flew about and shook the ships by reason of the hollows of the seas'.¹

The loss of the fleet's boats was disastrous and interfered with a plan, proposed by Seymour and approved by the Council, to invade Brittany. Without boats it was impossible to set landing-parties on shore, and there was no alternative but to be content with 'keeping the seas' and letting loose a swarm of privateers to harry French commerce. The game was most agreeable to those engaged in it—among whom Thomas was prominent. But it laid them open to accusations of lawlessness and brutality, and stirred up embarrassing diplomatic complications between Henry and Charles V. Thomas, indeed, was charged with torturing those who fell into his hands, and, what is more likely, with seizing

¹ *Letters and Papers, Foreign and Domestic, Hen. VIII, 1544*, vol. xix. Parts I and II are the authority for 1544.

wines and other cargo without regard to who the owners might be. In any case the point of ownership was difficult to determine, and a Flemish or Spanish ship suspected of carrying French cargo, or a neutral cargo found in a French ship, was not let off lightly. A typical case was the seizure in March of a French ship by Robert Reneger, a Southampton trader. Finding some Spanish goods in the cargo, he repaired to a Spanish port to restore them. There a dispute arose over 'some feathers and other trifles' which he declined to hand over, and one of his ships was arrested. Escaping with the others he plundered a Spanish ship on its way home from the West Indies with a rich cargo of gold, pearls, and sugar, in order to recoup his loss, and returning to England was greeted as a hero. The Spanish government retorted by arresting all Englishmen and their goods in Spain. Then early in May Thomas Wyndham, sailing in a bark called the *Martin Russell*, owned by Lord Russell,¹ Lord Privy Seal, with the *Mary Fig* of Plymouth as consort, captured a St. Sebastian ship, the *Santa Maria de Guadeloupe*, and brought her into Plymouth, where William Hawkins² was already conducting a large privateering business and had recently captured another Spanish vessel. In the diplomatic correspondence that ensued, the English declared that these two ships and the booty taken by Reneger would be restored when the English ships arrested in Spain were released. The Spaniards retorted with the same proposition reversed. On 31 May the matter came before the Privy Council, and Hawkins appeared before it. He asserted that the cargo of the ship he had captured was French masquerading as

¹ President of the Council of the West, and 1st Earl of Bedford.

² Father of Sir John Hawkins. J. A. Williamson's *Sir John Hawkins, the Times and the Man*, 1927.

Spanish. Thomas Wyndham was equally emphatic that the cargo of the *Santa Maria de Guadeloupe* was French. The Council was so impressed by this evidence that they decided that Hawkins and Thomas should explain the position personally to Charles V's Ambassador in London. Unfortunately there is no record of what transpired at the interview. But certainly no useful purpose was served by thrusting these two hardy sea-dogs on to the diplomatic stage; the only comment made on them by the Ambassador was that 'both seemed to be very insolent'.¹

While this business was still undecided the country was faced with vast preparations for an offensive by the French. A huge fleet was collected on the coast of Normandy to attack England. Armies were organized to invest Boulogne and turn the English out of France. As in 1512, galleys were brought round from the Mediterranean. The counter-preparations in England were no less impressive. In July Lord Lisle with a fleet of eighty sail was in Portsmouth harbour and was expecting sixty more vessels from the west. Thomas Wyndham, sailing in Lord Russell's ship, had gone west to help collect them and to beat up seamen for the fleet. He was successful enough in recruiting seamen,² but not in finding ships. When he returned to Portsmouth on 2 August he took with him the disappointing intelligence that 'there was no such number of ships as the King peradventure expects', and that none was victualled for more than four days, except his own.

Being employed on this recruiting expedition, Thomas was not with the fleet when the French appeared in the

¹ *Letters and Papers, Foreign and Domestic, Hen. VIII, 1545; Acts of Privy Council, 1542-7.*

² On 27 July the Mayor and Burgesses of Saltash wrote to the Council to say that all the local mariners were either already in the King's fleet or had been taken to Portsmouth by Thomas.

Solent in July, and he took no part in the indecisive operations of the following six days. They began on the 19th when the French, profiting by a dead calm, delivered a galley attack on the English ships as they lay in Portsmouth harbour, and might have done serious damage to them had the calm persisted. As it was one ship, the *Mary Rose*, in which Thomas's father had served under Sir Edward Howard, foundered and was lost with all hands. Fortunately, a timely breeze got up and enabled the English ships to move. Nevertheless, being inferior in numbers, they did not risk a fleet engagement and refused to be drawn out into the open sea even when the French tried to lay waste the Isle of Wight. In the end the enemy withdrew back to France, having accomplished little.

In August the fleet was even larger, being composed of a hundred and four ships, and Thomas was given command of the *Great Galley* of 500 tons and 300 men. This was his third promotion since joining the fleet early in 1544. He had then commanded the *New Bark* of 160 tons and 140 men. In October he had been moved into the *Struse of Danzig* of 400 tons and 260 men. Now in August 1545 he was in the *Great Galley* of 500 tons and 300 men. At one time there was a prospect of a fleet action, for the French appeared again off the coast of Sussex on 15 August, and their galleys became engaged with the English wing. The battleships took no part, and during the night the French withdrew again.¹

After these inconclusive engagements the fleet did no more than 'keep the seas' while the privateers diverted themselves with commerce raiding until 7 June, when a treaty was signed with France. The restoration of peace enabled the Privy Council to re-

¹ *Letters and Papers, Foreign and Domestic, Hen. VIII, 1545*, vol. xx. Parts I and II are the authority for 1545.

sume the affair of the *Santa Maria de Guadeloupe*, and on 22 September 1545 they wrote to Sir Thomas Seymour, who was once more in command of the navy, to discharge Thomas from the fleet so soon as he conveniently could. The request was repeated on 1 October, and before the end of the month Thomas was in London. He had to meet a claim amounting to £500, of which £110 represented the freightage of the ship's cargo valued at £390. The partners in the enterprise had divided the spoil between them in the following proportions:

	£
To the owners and mariners of the <i>Mary Fig</i>	130
To the Lord Privy Seal	78
To Thomas Wyndham	78
To the mariners of the <i>Martin Russell</i>	104

All were ordered to make restitution in full, and Thomas was given leave to go down to Plymouth 'as well to pay his own part as to compass the payment of the rest'. His position was not enviable. Hawkins had been committed to jail in July pending his making good the losses suffered by the Spanish ship he had captured. The same fate seemed to be awaiting Thomas. But he avoided it by departing on another privateering venture. He disappeared from November 1545 until May 1546. The Privy Council could get no answer to the summonses they served on him, and they began to threaten to recover the debt from John Chichester, a naval captain who had succeeded him in the command of the *Struse of Danzig* and who had stood his surety. Then in May Thomas suddenly reappeared at Bristol with a prize cargo of Gascon wine, about which there could be no dispute. Nothing could have been more timely or more fortunate, for the realizable value of the cargo was almost enough to liquidate nearly half the

Spanish claim. The Privy Council lost no time in pouncing on it. They at once sent an express to the Mayor of Bristol commanding him to impound the proceeds of its sale, and, holding that as security, came to an agreement with the Spanish claimant, making Thomas responsible for nearly half the amount.

	£	s.	d.
The Lord Privy Seal was charged with . . .	85	9	5
The owners of the <i>Mary Fig</i> with . . .	166	13	4
Thomas Wyndham with . . .	247	17	3

The Gascon wine realized £244, and Thomas received a licence to ride to the west to make up the balance.¹

The Gascon wine was not Thomas's only prize. He brought home also seventy bags of pepper and two chests of calico and raiment, belonging to a Florentine merchant, taken out of a Portuguese ship, the *Jesus*, on its way to Leghorn.² He confessed that he had no right to these goods, and he promised to restore them. But the Privy Council suspected him of retaining some. So they sent further instructions to the Mayor to examine the crew on the subject. And yet this same Thomas, whose word had to be thus checked by a mayoral inquisition of his crew, was within eighteen months promoted by the same Privy Council to be a Vice-Admiral of His Majesty's fleet and employed in important operations in the North Sea against Scotland.

While the fighting had been going on against France, Scotland had not been neglected by Hertford, who carried out a still more destructive raid in September

¹ *Acts of the Privy Council, 1542-7.* The wine sold for £6. 13s. 4d. a tun.

² A complaint of the Portuguese addressed to Queen Elizabeth and preserved in the Record Office refers to depredations carried on in past years by 'Thomas Indegua', probably meaning Thomas Wyndham, and to others done by 'Thomasius', who also may be our Thomas. S.P. 70/95, ff. 244, 253.

1545. Then on 29 May 1546 the murder of Cardinal Beaton in St. Andrews Castle created a new situation. The assassins and others who sympathized with them after the deed was done seized the castle and held it against the Queen's Government. Their revolt gave Henry an opportunity that he could not allow to pass. To succour them became a prime motive of his policy just before his death, and of Edward VI's immediately after his accession; and it was with this object that Sir Andrew Dudley, Lisle's brother, was ordered to sail north with three ships in March 1547. Among those who had joined the assassins after the Cardinal's murder was Patrick Lord Gray, a type of contemporary tergiversation. He had been taken prisoner by the English at Solway Moss five years previously, but having paid a ransom of £500, had been released with some others on the understanding that he would support Henry's policy. He thereby became one of the 'assured Scots' as they were called. Nevertheless, he was reckoned to be of the Cardinal's party just before the assassination, and only came out once more as an 'assured Scot' after it. While in St. Andrews he signed a compact to yield his castle of Broughty at the mouth of the Firth of Tay to the English, on condition that they helped him to gain control of Perth. Consequently the Firth of Tay became the centre of naval activity after St. Andrews Castle had fallen on 31 July. In August Clinton was sent thither with twelve ships to occupy Broughty, and he did it on 24 September without opposition. Then, having entrenched it, he left Dudley in command. The shift of the war to the northwards was confirmed also by Hertford, now Duke of Somerset and Lord Protector, defeating the Scots at Pinkie and installing a garrison at St. Colme's Inch in the Firth of Forth with John Luttrell in command.

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The situation of the garrisons at Broughty and St. Colme's Inch was obviously precarious. Although Luttrell was not liable to a land attack, the naval force at his disposal was insufficient either to protect him or to harry the trade of Leith. He begged for a 'tall ship' for this purpose, but in vain. Dudley, on the other hand, could be attacked by land, and the Earl of Argyll was known to be raising a large force to besiege him and punish Gray. Both garrisons suffered equally from exposure and shortage of supplies. On 8 October Dudley described his position in a letter to Somerset:

'I am in great need, in the middle of enemies, in a weak house slenderly left, my men tired with constant watch, many sick of ague and more like to be. There is neither wood, coal nor candle, glass for windows, scant window to shut, nor door, lock, nor bolt, latch nor nail. I have no workmen or artificers, other than Mr. John de Rosset, the Italian engineer, fallen sick with overwork.'

Luttrell required lime to finish his fortifications, and he had been obliged to send the *Saker*, one of his two small ships, to England for timber, coal, and other necessities.¹ Broughty had storage room for only six weeks' supplies and so had to be regularly replenished. Lord Grey of Wilton, who was Governor of Berwick and Warden of the East and Middle Marches of Scotland, was responsible for this service; and Thomas Wyndham was selected to be 'Vice-Admiral of the King's ships on the coast of Scotland' under him.

The appointment attracted the attention of the French Ambassador in London, and on 16 November he wrote to his sovereign all the gossip concerning it. Thomas, he reported, had once been in the service of the Em-

¹ Maxwell-Lyte, *History of Dunster*, p. 143. The two small ships were the *Saker* and the *Double Rose*. Soon afterwards they joined Thomas Wyndham's command in the Firth of Tay. See below, p. 69.

peror Charles V, but had been dismissed for some fault. He was now regarded as *un grand homme de marine*. He was to go to sea at once in command of eight great ships to attack twelve French galleys that were said to be on their way to Scotland. Meanwhile, large preparations were going forward to assist a revolt which was being planned by the Protestants of Scotland. None of these rumours were true, and on 21 November the Ambassador was obliged to write that his informant was unreliable. A few men only were being mobilized, and Wyndham, 'dont l'on ne fait pas fort grande estime sinon que l'on le tient pour homme fort expert en la piratique',¹ was still in England. He was, in fact, on his way overland to the north; and he reported to Lord Grey of Wilton at Norham Castle on 24 November.

Some transports with reinforcements and supplies for Broughty were waiting at Holy Island, and Grey ordered Thomas to take command of them. On the way north they were driven by contrary winds to St. Colme's Inch, where Thomas was able to 'commune' with his nephew. He also saw an inviting opportunity to burn 'a large village and much corn', but the wind becoming favourable for his journey to Broughty, he sailed without doing any damage. On arriving there he found the situation satisfactory. The castle was not being attacked, and the supplies and reinforcements were landed without difficulty. Having carried out these orders he was now free to apply his own theory of how the Scots should be handled. No one was more competent to do so. One cannot indeed claim that there is much military glory or satisfaction to be found in his career as a Vice-Admiral in the Firth of Tay, but, such as it was, it was what was expected of

¹ *Commission des Archives Diplomatiques, Correspondance Politique de Odet de Selve, Ambassadeur de France en Angleterre, 1546-9.*

him, and it earned the approval of his superiors and contemporaries.

Thomas hoisted his flag in the bark *Ager*, a ship of 240 tons and 200 men with James Alday as master.¹ Recently built in Kent, it had been requisitioned by the government in September 1546, much to the annoyance of some London merchants who had hired it to protect a convoy they were sending to Spain. The other ships under his command were the *Mary Hamburgh*, the *Phoenix*, the *Saker*, the *Double Rose*, and the *Galleot of Yarmouth*, the last four being of 80 tons or less. Needless to say, he was short of everything. His full complement of men was 610. With this force, he declared he would take Perth, and with 200 more and 50 gunners he would 'leave neither town nor village nor boat unburnt from Fife Ness to St. Colme's Inch'. But 80 men had had to be invalided back to Newcastle, and, although Grey of Wilton sent up 80 mariners to replace them, Thomas could still rely on only 468 'good and bad' for active service. In the first place 22 were not there at all, and secondly 120 were in as bad case as the 80 sick men sent away, being 'in a manner naked, having neither shirt nor hose for their backs, nor money'. Grey of Wilton announced that he was sending 120 'serviceable men from Durham', but he was afterwards obliged to report to Somerset that 'the levies' were 'too poor and naked to come without conduct money' which he had no authority to pay. Hence Thomas had to be content with his 468 men, such as they were. He issued standing orders for them as follows:

For landing from the ships:

Skirmishers—20 harquebusiers.

20 archers.

¹ Hakluyt, vi. 136.

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For the battle :

4 ranks of harquebusiers.

7 ranks of pikes.

4 ranks of bills.

For the wings of the battle :

40 archers.

20 swords and targets for whiffers.¹

These altogether amounted to 308 men. They were commanded by Captain Tiberio, who 'always showed himself a valiant soldier in the enterprise'. The balance of 160 were left to protect the ships. As regards arms, good harquebuses were Thomas's greatest need. Of the hundred sent from Newcastle only forty would fire.² He was also short of powder and of sixty good pikes. The ships were equally deficient in tackle and stores. Cables, anchors, pitch, tar, oakum, marline, latchet-line, lead-line, ratlin, ropes, and so forth were all wanting. At first neither the *Ager* nor the *Mary Hamburgh* could go to sea for lack of anchors and cables. There were enough boats to put only 150 men on shore at a time. Nevertheless, in spite of these drawbacks, plenty of damage was done.

Dundee was the first place attacked. The fleet came to it on 20 December, and after a skirmish and the death of two or three Scots, the town was occupied. A proclamation of Somerset's, calling on all its inhabitants to support the marriage of their Queen with Edward, 'was made by trumpet at the Cross', and Patrick Lord Gray and others subscribed to it. Thomas, with characteristic confidence, wrote to Somerset that if the place were garrisoned it could be held against all Scotland. That same night he went up the river with the masters of his ships to reconnoitre the approaches to Perth.

¹ 'Whiffers' were men whose duty was to keep a road clear for some purpose.

² S.P. 50/2, no. 67 (3).

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They found to their disappointment that it would not be possible to take the ships more than four miles above Dundee, but they noted much corn and cattle to be plundered 'as weather and short days will serve'. The limited amount of daylight was not a serious drawback as Thomas favoured night operations. The flatness of the shore was a greater hindrance. It was not possible to land from boats before the tide was three-quarters high, and a landing-party had usually to leave an hour or two later if risk of grounding was to be avoided; a short time indeed for any really effective handling of the Scots, especially as Thomas had not enough boats to land his whole force at once. Lindores and Balmerino abbeys were marked down for destruction. But Lindores had already been despoiled and was empty, while Balmerino, which was roofed with lead and fortified, 'could only be approached within a saker shot at high water', nor could boats stay there above two hours, so flat was the shore. Nevertheless, a week later its destruction was achieved. On Christmas night Thomas landed his 300 men and burned it and everything in it, together with some villages adjoining and and much corn. On the 29th he burnt Elcho Nunnery, a Cistercian house two miles from Perth, and brought away all the nuns and 'many gentlemen's daughters who were at school with them'. On 11 January 1548 a boat with 60 men rounded up 200 sheep and many cattle, but they had to be left on the shore as they could not be loaded into the boat. 'This winter war', so Thomas informed Somerset, 'grieves the hearts of the Scots greatly', compelling them to watch nightly for the safety of their goods.¹

Meanwhile, Dundee was being entrenched as rapidly as the available men and money would allow. The Earl

¹ James Campbell, *Balmerino and its Abbey*.

of Argyll 'with a great power of Highland men' was advancing to recover it and to spoil the possessions of Patrick Lord Gray. Thomas refrained from burning neighbouring corn which might be useful if the town were garrisoned. He was confident of being able to hold it even with his small force; and, on the advice of Dudley and Gray, 'planted the steeple' of the church with a saker, a falcon, 4 double bases, and 20 men with harquebuses victualled for a month. With these, he told Somerset, he would keep the town 'till your further pleasure'. But he was mistaken. As soon as Argyll reached Perth, 'with his great power', the people of Dundee forsook the city, except four or five 'honest men', who had to be taken on board the ships. Gray, who had thought himself assured of the support of at least 800 men, found himself deserted, and only Thomas and his small force were left to oppose the Earl. Thereupon, Gray, hoping to secure the peaceful evacuation of Dundee by the English, managed to arrange for a meeting between them and Argyll at Perth. Dudley deputed Thomas and another captain to represent him at the conference. We print below Thomas's own account of what transpired:

'I rode to the bridge end without the town, where I met 100 hackbutter¹, the simplest men that I ever saw, followed by the Earl, the Abbot of Cupar, four Scottish lords, after them 50 Frenchmen on horseback, in complete harness with white baudricks, and morions on their heads, and hackbuts in their hands, bragging to and fro as they had been conquerors of all the world. The Earl embraced me and said we were come as conquerors. I said not so, but to get their promises fulfilled. He desired to have the steeple and ordnance delivered, and the town made neuter between us, but declined to withdraw his force which I asked, as not reason-

¹ i.e. harquebusiers.

able. He said our pretence of godliness was to get our neighbours' goods perforce. I refused to give up the steeple, and said if the townsmen instead of deserting it had kept promises to us, he should have known Dundee well before he entered it: and so departed.'

Nevertheless, Dundee was untenable, as Thomas knew perfectly well. He rode back there, fired the steeple, extracted all the bells, copper, and brass from the church, satisfied his Protestant iconoclasm by destroying all the 'ydolls', and sent all the town ordnance to the ships. But he spared the town at Gray's request, 'in case we get victory again'.

One serious drawback under which the English forces laboured was that neither of the two commanders was senior to the other. Dudley complained that 'Thomas told him nothing and treated him 'more as if I were underneath than fellow with him'; that he could get none of the ships nor men to help in fortifying 'but as the admiral will, nor have nothing to do within the river, but as shall please him'. Thomas was not by nature accommodating. His overbearing temper was to be the indirect cause of his death in the Bight of Benin. Moreover, he blamed Dudley for having allowed all the boats in the river to leave it. Their quarrels were a constant source of anxiety to Grey of Wilton. He reported them to Somerset and prayed him 'to direct both to their duties' and to arrange that 'one (according to reason) may be chief'. Their discord is apparent in the accounts they sent Somerset of their operations. Dudley always reports Thomas's exploits as having been ordered by him. Thomas always describes them as having been done entirely on his own initiative. Together, however, they succeeded in carrying out a joint operation that saved Broughty from Argyll.

Argyll was in full possession of Dundee on 22 January, and was boasting that he would win Broughty in six hours. Dudley expected to be attacked that same night or on the following day.¹ On the 22nd, therefore, Thomas created a diversion by raiding the Fife side of the Firth with 200 men, burning Scotsraig and devastating six square miles of country. He estimated the damage done as exceeding the 2,500 crowns that Argyll was reported to have received from the French King. On this occasion he says he was opposed by 500 horse, who tried to cut him off from his boats, but failed. Meanwhile Argyll sallied out of Dundee at the head of 800 horse and foot, with the Frenchmen in front 'fair arrayed in white harness'; but after a hot skirmish he withdrew back again.

The success inspired Thomas to renew his operations on the Fife side on the 24th. A mill, some houses, and some ricks of wheat were his objective. We are given this time some insight into the tactics he adopted on such occasions. He took 100 of Tiberio's men, 30 men from the *Mary Hamburgh*, to be 'burners', and the necessary crews for the boats. After landing, Tiberio's company was drawn up in 'battle array' a quarter of a mile from the boats, while the 30 'burners' went about their business. Then, suddenly and unexpectedly, 1,000 Scots Horse with harquebuses and bases, appeared upon the scene, and, before the 'burners' could retire on the main body, attacked the men in charge of the boats and killed 8 of them. According to Thomas's account these 8 were his only casualties, and he claimed that 20 Scots were killed, 'including four gentlemen of reputation, as my spy tells me'. Dudley in his report

¹ Dudley estimated Argyll's force at 3,000 or 4,000. Thomas put it at 6,000 'rag and tag'. Both agreed that he had 12 pieces, 4 of which were cannons.

of the affair says that the Scots numbered 600 or 700, that their losses were 'killed and hurt divers Scots', and that 'Thomas's losses were 10 or 11 killed and 20 wounded. Probably his figures, both of the number of the enemy and of the casualties, were the more correct. Thomas, on this occasion, appears to have taken insufficient precautions against surprise, and was naturally inclined to minimize his own losses and exaggerate those of the enemy.

Argyll did not again attack Broughty. On 5 February all operations were suspended by a truce for twenty-one days, arranged through the mediation of Gray. Without it, so Dudley wrote to Somerset, 'the French and Highlandmen would have burned and spoiled everywhere'. By its terms Argyll agreed that a reasonable number of Englishmen might go to Dundee to buy supplies, while Dudley undertook to make no fortifications anywhere except within one and a half miles of Broughty. This open compact was accompanied by another secret one covering the payment of 1,000 crowns to Argyll, in consideration of which he withdrew his forces from Dundee to Perth.

When this truce was signed Thomas's fleet was in a sad plight. In spite of Grey of Wilton writing to Somerset on 7 February that the Vice-Admiral had sufficient beef, butter, and cheese, the ships were short of every kind of supply, while the men had received no pay for seven months and consequently could buy themselves no clothes. They were dying every day 'for lack in the extreme cold'. Moreover, those who had helped to entrench Broughty had been promised a groat a day above their regular pay, and Thomas warned Somerset that if it were not paid there would be a mutiny. It was perhaps fortunate, therefore, that he received orders to bring his ships back to Newcastle.

At the same time St. Colme's Inch was evacuated and Luttrell was moved to Broughty, where he took over the command from Dudley in April. There he remained until it was captured by the Scots in February 1550. Thomas arrived with six ships at Newcastle on 24 March, and the letter he wrote to Somerset announcing the fact is rendered into modern English below:

'Pleaseth your Most Honourable good Grace, whereas I advertised your Grace by my last letter that for the more discomforting of the enemy I thought it meet to lie with the King's Majesty's Navy at Broughty, and considering the commandment of your Grace's last letter received that I should be at Newcastle with the whole navy by the last of this present month, whereas at Sir Thomas Palmer's departing¹ the wind being fair and the tides at the best of the spring for entering with great ships into Newcastle river, and being forced for lack of victuals especially for beer, the 23rd day I came forth in the bark "Ager" with the "Mary Hamburgh" and the "Phoenix" and the "Double Rose" with the "Marten",² which came in all to this haven the 24th day, and not having 4 pipes of beer in all these ships by reason we left in the castle and the fort all the victuals I could possibly, and yet they have not in all kind past one week's dinners. And I sent the "Saker" to conduct over the victuallers, which is at this present moment at Holy Island. And the "Mary Hamburgh" is both weak and leaky and is needfull of much repairing of her hull. And the "Phoenix" being of late repaired at Newcastle—the sea being great in our passing—she was so leaky that with much pain they brought her hither. The ship must be where she may be bound with stays and futtocks.³ And I beseech your good Grace to

¹ Sir Thomas Palmer was sent to Broughty with reinforcements on 12 February.

² The *Marten* arrived at Broughty with supplies on 6 March. She returned to Newcastle with Thomas, who seems to have left the *Galleot of Yarmouth* at Broughty. ³ Part of the timbers of a ship.

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command these poor men their pay for the great pains they have taken and many [are] very sick and weak and daily fall sick by reason of the poor victuals that they have had and for lack of money to cherish them at the time of their need. And I received at the hands of Sir Andrew Dudley £100, and now since my coming I received of Master Uvedale,¹ Treasurer, £400. And the whole pay of the navy is about £2,000, over and above the reward which was promised them for their labour in the castle and the fort. And your Grace's pleasure known for our departing to the sea, beseeching your Grace that there may be sent 200 men from Hull or Thames to renew our men for sickness much wasteth them daily, and here is not to be had [men] to sail the victual-lers with. Also I have spoken here with Horsley one of the victuallers, he says that the whole provision of victuals is ready at Berwick and Holy Island, for at our coming there was no kind of victuals provided for us. And thus I commit your Grace into the hands of the loving God, who preserve your Grace in much honour. At commandment in Newcastle the 26th March.'

Apparently, judging from a sentence in the above letter, Somerset contemplated sending Thomas to sea again. But his ships, except the *Ager* and the *Saker*, were not in a condition to go. They were, therefore, paid off at Newcastle, where they lay 'with but two or three men in each' until further orders. The two hundred soldiers in them were landed and Thomas was put in charge of them and of the ships.

By his coming south to Newcastle Thomas was brought into the operations which were being carried on against Scotland from that base and from Berwick, northwards towards Edinburgh. The situation in this area was that Haddington had been in the hands of the English since Pinkie, and its communications with

¹ John Uvedale, Treasurer of the Garrisons in the North from 1542 until his death in 1549.

Berwick had been secured by occupying intervening fortresses. On the other hand, it was threatened by the expected arrival of a French force sent by Henry II to carry away the young Queen Mary in order that she might be brought up in France to marry his son Francis. To meet the menace the fortifications of Haddington were strengthened, and one of the works was called 'Wyndham's bulwark', presumably after Thomas. We know that he was in Haddington early in June, for on Sunday night, the 3rd, he went with a force of 600 foot, 100 horse, and some pioneers, under the command of Sir James Wilsford, to surround Dalkeith and capture Lord George Douglas, one of the 'assured Scots' who had proved untrustworthy. The expedition was successful, except that Lord George 'conveyed himself away'. His wife, his son, 'divers Douglasses' and others, in all about 40, were captured, and 40 slain¹—

'and such a quantity of stuff taken there and in the castle, as has not been seen in one place, all the country having brought their goods for safety, and all has been given to the soldiers who manfully won it.'

Thomas must have looked back on this night with satisfaction. Nevertheless, he did not stay in Haddington. He was anxious to rejoin the fleet. The bark *Ager* had been to sea since its return to Newcastle on 29 March. But it was back there again on 23 June, on which day Grey of Wilton wrote to Somerset asking him to 'signify whether Mr. Wyndham shall go to sea or serve on land'. He wrote a second time on the 25th begging 'your orders for Mr. Wyndham and the ships here, rigged and ready, wanting only victuals and mariners'. On the following day he received reliable information that the French and the

¹ The report was Grey of Wilton's.

Scots were marching against Haddington, and that they intended 'to make several camps and batteries'. It is not surprising, therefore, that we next hear of Thomas on 7 July with '110 of Wyndham's band under his own guiding', included in a force sent to its assistance. The attack was then being hotly pressed. The enemy had 'cut off and undermined the point of Wyndham's bulwark' and had silenced the English ordnance.¹ Hence 'the matter remained to be tried at the point of the weapon', and reinforcements of men and ammunition were urgently needed.

Four hundred harquebusiers, among whom were Thomas's men, were detailed for the purpose. They were mounted and each carried a leather bag containing 20 lb. of powder strapped on to his back, and a roll of match in his hands. They were escorted by 2,000 horsemen, of whom 400 were demi-lances, under Sir Thomas Palmer. The operation of introducing the 400 harquebusiers into the town was successfully performed. They entered it on the east side from Linton Bridge, where it lay open and unbesieged, without attracting the attention of the French. They were accompanied by 200 light horse to bring back the horses, or, if they could not do so, to kill them and retire as best they could to Linton Bridge, where the main body or 'battle' was drawn up. On the way back they were attacked and pursued, but they reached the 'battle' without any casualties. Thomas went into the town with his men carrying a dispatch from Palmer to Wilsford, who was in command, making some suggestions for the town's defence. Palmer also sent his suggestions to Somerset, explaining that he 'had opened them fully to Mr. Wyndham, who no doubt is like to do great service—the man is so well disposed'.

¹ Tiberio was among the wounded.

Here, so far as Thomas is concerned, the story breaks off for lack of further information. All attempts to drive the enemy away from Haddington were unsuccessful, although the defence was maintained by Wilsford until 14 September 1549. There is nothing to show that Thomas played any part in it. Nor is it reasonable to suppose that he did, for he was still in charge of the ships lying at Newcastle; and in December Somerset wrote to him recalling some of them from the north.¹ He himself remained in the North Sea and occupied his time commerce raiding. An account of his prizes during the twelve months November 1548 to November 1549 has been preserved,² owing, it would seem, to the government being suspicious of what he was doing with them. For this reason the Council in October 1549 ordered that all his prizes 'should be put in custody' until an account had been taken of them, and Sir Richard Cotton was sent to Newcastle to make inquiries. According to the statements of three witnesses, which is all the evidence that we have on the subject, Thomas had captured twenty vessels and had dealt with some of them and their cargoes as shown below:

1. A French ship, which was sold to Thomas Reynold of Newcastle. Its cargo of 20 tuns of wine was disposed of on behalf of Thomas by Christopher Blaxton for £105 payable in instalments, the last being due on 25 November 1549.
2. A French ship, carrying coal and sold to George Ryveley of Lynn.
3. A French ship ballasted with coal.
4. A French ship laden with meal.

¹ This letter has not been preserved, but is referred to in *Hamilton Papers*.

² In the MSS. at Belvoir Castle. I have to thank the Duke of Rutland for letting me see it.

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5. A ship formerly of Lynn, captured off May Island with a cargo of coal for the Scots.
6. A hoy, whose cargo of grain was sold in Newcastle.
7. A 'bark of war'. This was given to Sir John Luttrell.
8. A hulk in ballast, ready rigged.
- 9-15. Seven Norwegian ships laden with meal, beer, biscuit, flax, tar, pitch, clapboard, wainscot, deal, raff, and timber.
16. A ship loaded with soap and madder, a chest containing silk and velvet, and a case of frizado.¹ The silk and velvet were sold to Cuthbert Blount for £50, and he was given 17 yards of frizado into the bargain.
17. A ship laden with ballast.
18. A hoy laden with raff and timber.
19. A small bark of 10 tons loaded with corn.
20. A small bark of 10 tons with a cargo of coal.

Unfortunately, Sir Richard Cotton's report has not been preserved. But whatever it contained, whether of condemnation or excuse, Thomas continued in favour with the Council. The fall of Somerset in October 1549 did not adversely affect him, for he had already gained the confidence of Lisle, now Earl of Warwick and soon to be Duke of Northumberland, who turned Somerset out. Moreover, Thomas's services were urgently needed in March 1550 owing to the critical state of affairs in Scotland. In February the Scots had made so determined an attack on Broughty that it had been forced to surrender to them, and Luttrell was a prisoner in their hands. The Council were urgent to procure his release. They offered a ransom of £400, and when it was refused, sent up Thomas post haste with instructions to use three important Scots who were being held as hostages by the English to procure his release. This he succeeded in doing.

Soon after his return to London he received another

¹ Frizado was a silk plush.

more material proof of the Council's favour in the form of a pension of £50 a year which had been paid to Sir James Wilsford until he died. In the very next month the Council was called upon to consider a claim from Denmark for goods taken at sea by Thomas, and was eventually obliged to settle it by paying £230.¹ But again this was overlooked, and in 1553, in his absence in Africa, he was promoted to be 'Master of the Ordnance of the King's ships'.² Nevertheless, the fact that he was never knighted shows that his commerce-raiding methods had left a bad impression.

We now enter upon the last phase of Thomas's career which brought him to his death in the Bight of Benin. After the end of the war in Scotland he became interested in financing and commanded trading voyages to the west coast of Africa, where the Portuguese claimed an exclusive trading monopoly, balanced by a similar Spanish claim in America—both being supported by the authority of a papal bull. During Henry VIII's reign these pretensions were challenged only by English traders to Brazil,³ and the promising beginning of discovery made by the two Venetians, John and Sebastian Cabot, who sailed westward from Bristol under the auspices of Henry VII, was not followed up. Their initiative, however, had begun a movement of which their friend, Master Robert Thorne, was an active propagandist. He did not propose that the Spanish and Portuguese claims should be disputed, but that they should be outflanked by opening new east and west routes through the northern seas. He dismissed all climatic objections by asserting that no land was

¹ *Acts of P.C.* iii. 467; iv. 81.

² The salary of this office was 100 marcs a year, 2s. 4d. a day for three clerks, 6s. 8d. a day travelling expenses, and £8 a year boat hire.

³ J. A. Williamson, *Sir John Hawkins*, pp. 7-19.

uninhabitable nor sea unnavigable. Nevertheless, his suggestion was not put to the proof until 1553, when Sir Hugh Willoughby was frozen to death in Lapland, and Richard Chancellor found himself at the Court of the Emperor of Russia in Moscow, instead of in China. Three years previously the bark *Ager* had made a voyage to the Levant on the suggestion, so he declared, of her master, James Alday, who had served under Sebastian Cabot, and who claimed also to be the inspirer of Thomas's first voyage to Morocco.

From the point of view of those who, like the English, repudiated the authority of the Pope, a Portuguese monopoly could be justified only by priority in discovery and by effective occupation. If the latter condition were not fulfilled, as it was not by the Portuguese, 'it was against good reason and conscience, or rather against the charity that ought to be among Christian men' for them to refuse others a share in the trade. It was as a herald of these liberal principles that Thomas sailed for Morocco in 1551.

The voyage opened unpropitiously owing to an outbreak of the 'great sweat' in London. James Alday was cast by it into such an extreme fever that, although he recovered, he could not stand upon his legs, still less ride down to London to join the ship before she sailed. John Luttrell, too, who was a partner in the venture, was prevented from sailing and died on 10 July 1551. Thomas, therefore, started without them, in the *Lion of London*, a ship of about 150 tons, which he partly owned. Her master was John Kerry, who came from Minehead, where he was part-owner of the *Margaret of Minehead* of 35 tons.¹ No description of the voyage has survived. All we know is that commercially it was successful, and that Thomas came away

¹ *Notes and Queries, Somerset and Dorset*, xx. 126.

with the leave of the King of Morocco to repeat it. And repeat it he did, in the following year on a larger scale.

Two other ships, the *Buttolfe* of about 80 tons and a Portuguese caravel of some 60 tons, which had been bought at Newport in South Wales, sailed with the *Lion* from Bristol early in May 1552. Exactly a fortnight later the three anchored off Safi on the west coast of Morocco, where they landed part of their merchandise 'to be conveyed by land to the city of Marrakesh'. Then, having taken in victuals and water, they went on to Santa Cruz.¹ On coming to it a shot was fired at them from the shore (it passed between the mainmast and the foremast of the *Lion*) and a pinnace came out to make inquiries. Being satisfied that the visitors were merchants trading with the leave of the King, the Moors agreed to trade. The remainder of the cargo, consisting of linen and woollen cloth, coral, amber, jet, and 'divers other things well accepted by the Moors' was landed and exchanged for sugar, dates, almonds, and molasses. With characteristic Oriental dalliance it took three months to collect and load the cargo. Nevertheless, in spite of the delay and the heat of summer, no one perished from sickness, a fact that was noted with pride.

The ships at last laden, 'they drew into the sea for a western wind to England', and it was while waiting for it that the first mishap occurred. 'A great leak fell upon the *Lion*' and compelled all to make for the Canaries in order to repair it. Finding a suitable road in Bocovna Strait, between the islands of Lanzerote and Fuertaventura, they landed seventy chests of sugar and a dozen or sixteen men. Meanwhile their arrival had attracted the attention of the local Spanish autho-

¹ Santa Cruz was the present-day Agadir.

rities, who, seeing the Portuguese caravel, at once concluded that it had been wrongfully seized as a prize, and surrounding the party on shore made them prisoners. Thereupon three boats were dispatched from the ships to their rescue and a running fight ensued, in which, by great good fortune, the English managed to capture the Spanish Governor, 'a very aged gentleman of about seventy years'. With him as a hostage it was possible to negotiate. 'A parle grew', and an agreement was made that he should be exchanged for the English prisoners, and should give a certificate of the damage the ships had suffered so that the King of Spain should pay compensation—a condition that certainly was never fulfilled. After this affair the *Lion's* leak was repaired and the fleet set sail. No sooner had it left the road than a Portuguese armada came in at the other end. No escape could have been narrower or more fortunate. The Portuguese, jealous as they were of their monopoly of the African trade, would have made short work of Thomas and his three ships had they caught him in Bocovna Strait. 'But by God and Good Providence we escaped their hands' and got back to London in October, after being away five months.

Thomas's return to England was followed by a characteristic feud between him and the young Lord Thomas Howard, who succeeded his grandfather as 4th Duke of Norfolk in 1554. Its cause is unknown, but it became so violent that the Privy Council had to intervene and bind each in a recognizance of 500 marcs to be of good behaviour to the other.¹

The objective of the third voyage was that part of Guinea that was called the Gold Coast, because it produced gold, and which was also the site of the

¹ *Acts of P.C.* iii. 175.

castle of Elmina, the principal Portuguese African fortress. Two ships were therefore hired from the navy—the *Primrose* and a pinnace, the *Moon*, and they sailed under Thomas in the *Lion*. The King also issued a writ of aid empowering him to ‘take up, press and provide ship-masters, mariners, shipwrights, gunners and other persons for the furniture of the ships’ and to buy supplies for thirteen months at reasonable prices. Antonio Anes Pinteado, a Portuguese pilot, was engaged to go with the expedition. His co-operation was obviously of great value, for the Portuguese alone had any extensive knowledge of African navigation. He was a native of Oporto, and, according to Charles V’s Ambassador in London who reported all the gossip concerning the expedition to his master, he had commanded a Portuguese warship, but had been imprisoned for capturing a French vessel. Soon afterwards he succeeded in escaping to England, much to the dismay of the Portuguese, who hurriedly sent a messenger, named Peter de Gonsalves, after him with letters of pardon in order to induce him to return. Gonsalves, however, made the mistake of handing him the letters without first discovering what his intentions were, and Pinteado used them only to increase his own reputation with the English. He appears indeed to have become a determined opponent of his native land, fearing that to return to it would mean his death. He is described, by Richard Eden, who wrote the account of the voyage, as ‘a wise, discreet and sober man, being as well an expert pilot as a politic captain to whom the coasts of Brazil and Guinea were committed to be kept from the Frenchmen, to whom he was a terror on the sea in those parts’. It is not easy to understand then why he should have been dismissed for capturing a French ship, and Eden attributes his imprisonment to the

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emulation and enmity of some of his compatriots. At any rate, all the evidence agrees on his capacity, and it is undeniable that Thomas would not have been buried at sea in the Bight of Benin had he been willing to follow Pinteado's advice.

A month before he sailed Thomas made his will and had completed all other arrangements for the voyage, when the customs authorities at Portsmouth 'made stay' of his ship. It is unlikely that Thomas, whose eldest son Henry, fifty years after his father's death, was a customs official at the Port of London,¹ paid much attention to customs regulations at Portsmouth or anywhere else, and his ship was detained until the Privy Council wrote instructing the officials to release it. At last on 12 August the three ships sailed with 140 men on board. Even so Thomas left a typical memento behind him, for only ten days later the Admiralty Court in London was engaged in taking the statements of two Spanish shippers who complained of having been plundered by him.²

Eden's account of the voyage is the only one existing. It is written with a strong bias against Thomas, which is perhaps explained by the latter's refusal to allow a kinsman of one of the head merchants to sail in the *Lion*. This action is cited by Eden as the first convincing proof of the incompatibility of Thomas's temper to the success of the undertaking. On the other hand, Thomas may well have been right.

The first call was at Madeira, where the ships took in wine, and where they met a Portuguese galleon 'full of men and ordnance'. It was not, however, strong enough to fight them, and they continued on their way, 'tarrying here and there', so as not to arrive on the Guinea Coast during the summer. Their first con-

¹ See below, Chapter VI.

² *Acts of P.C.* ii. 307, 328.

tinental landfall was Sestos Point, where they could have bartered their merchandise for guinea grain,¹ but they preferred to keep it all in hand until they reached the Gold Coast. Fortunately, no warships were yet stationed at Elmina, or the sea fights that took place two years later between a Portuguese squadron and William Towerson would have been anticipated. As it was, Thomas was able to buy 150 lb. of gold without being interfered with.

It was now that the ill feeling between Thomas and Pinteado, which Eden declares had been growing since the ships left Madeira, came to a head. Thomas demanded that Pinteado should pilot them on to Benin. Pinteado demurred, arguing that the season was already too advanced. Thomas would have none of such excuses. 'This whoreson Jew', he is reported to have declared, 'hath promised to bring us to such places as are not, or as he cannot bring us unto: but if he do not I will cut off his ears and nail them to the mast.' It appears that what Pinteado feared was the 'Rossia', that is to say, the smothering heat of the winter, with its close and cloudy air and stormy weather, of such putrefying quality that it rotted the coats off men's backs.² Nevertheless, on they went to Benin. When they arrived there they sent up certain of their merchants with Pinteado and another Portuguese to interview the King, who was fluent in Portuguese, having learnt it as a child. He was willing enough to trade, and within thirty days eighty tons of pepper were collected for export. In the meantime, the men in the ships had begun to die of fever and Thomas was anxious to get away as soon as possible. He therefore

¹ Malaguetta pepper, or 'grains of Paradise'—a spicy condiment.

² 'The Rossia' is now called the 'Harmattan' and has lost the destructive qualities attributed to it by Pinteado.

ordered Pinteado and his companions to rejoin at once. Pinteado came down to the coast to explain that given a little time they could complete the pepper deal to their 'great praise'. But when he arrived he found that Thomas had died too; and the men insisted on sailing without even waiting for the others at the King's Court to return. So there they were left to end their days in miserable exile.¹

How different were the ends of Thomas and his father! The one died in all the circumstances of Tudor greatness, the other in the doubtful and uncomfortable environment of an African trading venture. Yet their ends were suited to their lives. Thomas had none of the courtliness of his father. He was an adventurer *sans phrase*; a mere pirate or buccaneer according to some estimates, though not in the opinion of his contemporaries by whose standards he should be judged. He earned their commendation and gratitude. Nor did the fatal mistake he made in Guinea damp the rising ardour of his countrymen for discovery. His last voyage was quoted twenty-five years later by George Best, the navigator who accompanied Frobisher in his attempts to solve the problem of the North-West passage, as a proof of the thesis already advanced by Robert Thorne, that all parts of the world are habitable:²

'For Captain Windam made a voyage with merchandise to Guinea and entered so far into the Torrida Zone, that he was within three or four degrees of the Equinoctial, and his company abiding there certain months, returned with gain.'

Which was certainly making the best of it.

¹ For these voyages see Hakluyt, vi. 136-53.

² Hakluyt, vii. 252.

IV

SIR EDMUND AND SIR JOHN¹

THE lives of Thomas's two half-brothers, Sir Edmund and Sir John, were more commonplace than was his. Both men were more courtiers than adventurers, and their activities were mainly confined to their respective counties. The glimpses we get of Edmund's occupations as a country gentleman show him attending to the same sort of things as his successors do still. He was present at the funeral of his great-uncle, Thomas, 2nd Duke of Norfolk, bearing the standard in the vast and imposing procession from Framlingham to Thetford, a distance of twenty-four miles. He was, of course, a justice of the peace. He was a trustee of a property belonging to the college founded by Cardinal Wolsey at Ipswich, and he was connected in the same capacity with the family affairs of his sister Margaret Luttrell. He acted for his cousin, Henry, Earl of Surrey, as Deputy High Steward of the King's Haven Courts in Norfolk. He visited Paris in 1532 and dined with Sir Anthony Browne, the English Ambassador. Then the marriage of Henry VIII and Jane Seymour brought him a knighthood, and he began to reap the benefits of a connexion with the Court.

Being anxious to restore the sporting amenities of Gimmingham Park, not far from Felbrigge, Edmund applied to the King for permission to restock it with deer. Henry, forgetting that the park belonged to the Duchy of Lancaster, signed a bill of authority with his

¹ First and second sons of Sir Thomas Wyndham of Felbrigge. See Genealogy I.

own hand. But the Chancellor of the Duchy raised objections. He could find no precedent he declared for such a conveyance and he refused to affix his seal to it until he had spoken to the King; and it seems that the Chancellor prevailed. Edmund, however, was not left out in the cold when the lands of the dissolved monasteries were distributed at a price. In consideration of a payment of £628. 10s. he became the owner of the site and some of the manors of Beeston Priory. He also got whatever remained of its buildings after the bells, lead, iron, stone, and glass had been reserved to the King. Was the failure of Edmund's three sons to beget heirs and the consequent dying out of the head branch of the family a judgement on this act of sacrilege?

Unhappily Edmund's career at Court was interrupted by an unseemly brawl for which he appears to have been wholly responsible. He lost his temper in the King's tennis court with one of the Cleres of Ormesby in Norfolk, who was a servant of the Earl of Surrey, and struck him. The penalty for so gross a breach of the peace within the precincts of the palace was the loss of the offender's right hand. Edmund, therefore, was arraigned before Sir John Gage, Controller of the King's Household, and other judges sitting with two juries, one of gentlemen and the other of yeomen. Both found him guilty and he was condemned to suffer the penalty. Its infliction required the attendance of the Serjeant Surgeon with his instruments; the Serjeant of the Woodyard with the mallet and the block whereupon the hand should lie; the Master Cook for the King with the knife; the Serjeant of the Larder to set the knife right on the joint; the Serjeant Farrier with the searing irons to sear the veins; the Serjeant of the Poultrie with a cock which should have his head

smitten off upon the same block and with the same knife; the Yeoman of the Chandry with the sear cloths; the Yeoman of the Scullery with a pan to heat the irons and two forms for all the officers to set their stuff on; the Serjeant of the Cellar with wine, ale, and beer; the Yeoman of the Ewery with basin, ewer, and towels. When all were ready Edmund was brought in by the Knight-Marshal. Then by his adroitness he saved himself from mutilation. Throwing himself on the King's mercy, he declared that were his left hand taken instead of his right he would be better able to serve his Sovereign. The King responded to this submission by pardoning him.¹ But we hear no more of him at Court.

In 1547 he became High Sheriff of Norfolk and Suffolk, and was in office when William and Robert Kett raised their rebellion in Wymondham and blockaded Norwich. The rising was indeed the most important event in Edmund's career, and his action in it was quoted as having made good his promise to Henry to serve him better if his right hand were spared.

Kett's rebellion was a protest against the steady progress of the agrarian revolution and against the rise in prices that was pressing hardly on the poor. He had no difficulty in collecting a large following which grubbed up a number of recently-made fences, filled in some ditches, and on 10 July crossed the river Yare at Cringleford and encamped for the night at Bowthorpe. It was at this point that Edmund, as High Sheriff, intervened. Riding into the camp, he boldly proclaimed Kett's followers rebels and commanded

¹ Fuller's *Worthies*, ii. 182; Holinshed, iii. 953, who says that the culprit was Sir Edmund Knyvet. Another version says he was Sir John Wyndham and that he struck a Mr. Clive. *H.M.C., 6th Report*, 348a.

them in the King's name to depart peaceably to their homes. But the rebels were in no mood to obey him, and if his horsemanship had not been more effective than his oratory it is likely that he would not have escaped from them alive. They were greatly offended at his words and crowded round him; but he was well enough mounted to break through them and ride away to Norwich. To venture thus unattended into the camp was a bold action open only to the criticism that it failed. Authority should not gratuitously put itself into the position of having to ride away to safety from an infuriated mob. Nevertheless, on the following day Sir Roger Townshend, whose sister Susan was Edmund's wife, undeterred by his brother-in-law's unfortunate experience and believing that the rebels would respect him as a near neighbour, determined to try persuasion instead of threats. Taking with him his servants and three carts, two laden with beer and the third with provisions, he advanced into the camp. He was treated even worse than was Edmund. The rabble seized him, stripped him, and made him a prisoner. They would indeed have slain him but for the courage of his servants. Meanwhile the city authorities had refused Kett's request to be allowed to march through Norwich, so he and his followers passed north of it, and crossing over the river Wensum at Hellesdon arrived at Mousehold Heath on 12 July.

From now until the end of August Edmund fades out of the history of the rebellion. He took no part in the extraordinary events on Mousehold Heath and in Norwich. During six weeks of rule Kett established a kind of government. He issued warrants in Latin, signed 'Robertus Kettus'. He administered justice under an oak tree, named the 'Oak of Reformation', forcing the Mayor of Norwich to assist him. He appointed

a chaplain to read morning and evening prayers according to the new liturgy. Unlike modern dictators, he allowed those who were opposed to his proceedings to harangue his followers from the Oak of Reformation on the error of their ways. He drew up a petition of grievances and sent it to the Duke of Somerset. The Protector, who sympathized with the agrarian discontent, returned a temperate reply, and his conciliatory attitude on this occasion was one of the immediate causes of his ejection from office in the ensuing October. So long as the rebellion lasted the county was in a state of terror, and it seemed to the supporters of law and order that force was the only possible answer to it. Moreover, similar risings were occurring in Buckinghamshire, Oxfordshire, Surrey, Essex, Kent, Cambridgeshire, and elsewhere. Hence Kett had a free run in Norfolk until 1 August, and even then he defeated the first punitive expedition sent against him under the Marquis of Northampton.¹ Not until 27 August was he routed by Warwick, afterwards Duke of Northumberland, who became Somerset's supplanter. And it was to Edmund, as High Sheriff, that Robert and William Kett were delivered over to be sent to London for trial and execution.²

There can be little doubt that, whatever Edmund may have owed in the past to Somerset's rise to power, he now welcomed his fall. To the gentry of Norfolk the Kett affair could be nothing else than 'a most detestable rebellion' which had had disastrous repercussions in all kinds of directions. It had, for example, aggravated the already parlous condition of the inhabitants of Cromer, whose domain was being relentlessly encroached upon by the sea, as indeed it still

¹ Catherine Parr's brother.

² F. W. Russell, *Kett's Rebellion in Norfolk*.

is to-day. Edmund joined with others in bringing their unhappy condition to the notice of the Council. They had, at their great cost, built protective works which they could no longer afford to keep in repair owing to the falling off in the contributions of the county following on 'the late most detestable rebellion'. Hence the fishing industry, the sea transport of goods, and the defence of the haven were all endangered, while at the same time the town was devoid of ammunition, it having been all shot away against Kett. Nevertheless, a mere change-over from the Duke of Somerset to the Duke of Northumberland could not by itself overcome the difficulties of the times. As an alternative it was like leaving the frying-pan for the comforts of the fire. The old causes of unrest were aggravated rather than allayed by it, and Edmund was soon busy on a commission inquiring into the rise in prices caused by 'the insatiable greediness of divers covetous persons'. This, and the making of new inventories of church furniture and comparing them with former inventories, occupied his time until the death of Edward VI threw the government of the country once more into confusion.

Northumberland's tenure of office had depended upon his maintaining control over the person of the sovereign. If he lost that he lost all. He was vitally interested, therefore, to secure the succession of some puppet of his own, and had prepared for the King's death by concocting an elaborate and unscrupulous conspiracy to place Lady Jane Grey, the granddaughter of Henry VIII's sister Mary and the wife of his own son Guildford Dudley,¹ on the throne, and to exclude Henry VIII's daughters, Mary and Elizabeth, from the succession on the plea of their illegitimacy. Such a

¹ They were married on 21 May 1553.

coup d'état could succeed only if it were carried out at once and the nation faced with an accomplished fact. The weakness of Northumberland's preparations for it lay in his failure to arrest Mary, the legitimate heiress. He summoned her to Edward's deathbed; but, warned of what was in store for her, she made her way to the Duke of Norfolk's castle at Framlingham in Suffolk and from there put forward her claim. It met with an overwhelming response. Northumberland's plot collapsed within a fortnight. He had proclaimed Jane Queen on 10 July. He was compelled to proclaim Mary on the 20th, and he found himself in the Tower on the 25th. Edmund did not hesitate on what line to take in these circumstances. However much he may have sympathized with Northumberland's methods of suppressing the agrarian unrest, he was not prepared to follow him in tinkering with the succession to the throne. He came out so strongly for Mary that she sent special instructions that he was to remain in Norfolk 'for the stay and good order thereof', and not come up to London. There was, however, little need for anxiety. The county as a whole, like the rest of East Anglia, preferred Mary to Jane. The one doubtful place was Norwich; and one of Mary's first acts was to appoint a commission with Edmund as a member to try all in that city who refused to submit to her.¹ At the same time Edmund went no further in his submission to the Marian reaction than did his neighbours. He was not willing to restore Beeston Priory and its manors to the Church. He realized the danger to his country's liberties in Mary's policy of attaching her crown to Spain. After her death he turned with relief to Queen Elizabeth and accepted her religious settlement, being appointed one of the

¹ Blomefield, iii. 269.

Visitors to supervise the application of the Acts of Supremacy and Uniformity of 1559 in the dioceses of London, Norwich, and Ely.

Before tracing Edmund's other activities after Queen Elizabeth came to the throne, we must revert to the beginning of the reign of Henry VIII in order to give an account of his younger brother John. Very early in John's career, when he was about fourteen years of age, he was among those who accompanied Mary, the grandmother of Lady Jane Grey, when she crossed over to France to be married to her first husband, Louis XII. Her suite included the Duke of Norfolk, and one of her ladies was Mary Boleyn, with whom went also her sister Anne, then aged seven. John seems to have been a success at the French Court, and is reported, by family tradition, to have served Louis's successor, Francis I, 'in a place of good account'. He remained in France nearly ten years, until the war of 1523 drove him back to England. While abroad he acquired a taste for music and for playing on the virginals, and the standard of domestic comfort at his house at Orchard Wyndham in Somerset may have been influenced by French fashions. He returned home to find his sister Margaret married to Sir Andrew Luttrell of Dunster, and, while visiting her, he met Elizabeth Sydenham, and married her in 1528. Since the death of her brother without issue, she had been the owner of the Sydenham home at Orchard and of the family estates. The marriage, therefore, was unquestionably one of 'inheritance in land' such as John's father would have approved.

No family had been more prominent and influential in Somerset than the Sydenhams. But, like the Felbrigge family in Norfolk a century earlier, it was now approaching the end of its period of ascendancy. The

Orchard branch was merged into the Wyndhams by Elizabeth's marriage to John. The Brimpton branch continued yet for some years, and then also vanished. The name Sydenham is now known in Somerset only where it lingers in place-names, relics of a former glory. John's supplanting it at Orchard was not resented as was his great-grandfather's entry into Felbrigge. In the first place the change was less objectionable because it arose from a marriage and not from a purchase. Secondly, the wine poured into the old bottles was not now so new. Margaret's marriage with Sir Andrew Luttrell had already introduced it into Somerset, while its other connexions, and Sir Thomas Wyndham's career, had given it a more satisfying status.

John's marriage resulted in his branch of the family becoming domiciled in Somerset instead of in Norfolk. On this account too, and because for some inscrutable reason Wyndhams in Somerset were more prolific than in Norfolk, the house at Orchard Wyndham and the ancient parish church of St. Decuman's nearby became the chief centres of family history and tradition. The house is an architectural puzzle. In it may still be discerned many remains of the original Sydenham abode incorporated into the alterations and additions of subsequent generations. The church, two miles distant, standing on an eminence inconveniently remote from the habitations of the parishioners because Satan himself intervened to prevent its being built elsewhere, is architecturally more beautiful and less baffling. No more fitting shrine for family memorials could be imagined, and it contains many which we shall have occasion to refer to hereafter.

Information about John's activities during the twenty years after his marriage is meagre. He was absorbed in his large family, of whom four daughters and four

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sons reached maturity, in the house at Orchard and in the management of his estates. The poem to his memory engraved on his tomb in St. Decuman's declares that he

bent his wit and will
To feats of arms and other warlicke skill.

This is likely enough seeing the prominent parts played in the Scotch wars by his Luttrell nephew and by his half-brother Thomas. There is, too, a family tradition that he took part in the operations round Haddington in 1547. He was knighted also at the coronation of Edward VI, 'for loyal service done' according to his epitaph. But it may have been because of his relationship to the Seymours. He was clearly a courtier rather than an adventurer, being too punctilious and precise for a man of action. The rather fussy and detailed provisions of his will contrast markedly with the plain unadorned directness of Thomas's last testament. John regarded his possessions as having been 'lent' to him by God, and so disposed of them with meticulous care. At the same time his precision was balanced by an artistic temperament that reduced its value as a business quality. The complicated and prolonged lawsuits in which he became involved, generally with some flaw in his case of his own making, leave the above impression. For example, his chance of winning his litigation over his purchase of the manor of Ham in Cornwall was hindered by his having lost 'by casual means' one of the principal deeds. His generosity too at times landed him in difficulties. He was a trustee of the four daughters of Michael Mallet of St. Audries, a near neighbour who died in 1547, leaving a son Richard, then twenty years old. One day Richard came to John and asked for a loan of £10, saying that he had to ride to a friend's house and 'lacked money to furnish himself

with convenient apparel for his estate'. He offered to give a bill to repay the loan within a short time. John pointed out that a bill signed by a minor was useless, a fact of which Richard must have been well aware. And he must have inwardly chuckled when John, remembering that he was 'a young gentleman and a neighbour', gave him the money on a simple statement that he would repay it. Needless to say, it was never repaid, and three years later John was impotently starting proceedings in Chancery in the vain hope of recovering it. Twenty years later he was again in trouble over the affairs of the four Miss Mallets through an unfortunate agreement he had made with the husband of the eldest of them. It was perhaps in connexion with this matter that in 1567 he went up to London with his son Edmund and was robbed at Hounslow of a grey gelding worth forty shillings, while Edmund lost two garments worth three shillings and four pence each. The thief, after pleading guilty and being sentenced to be hung, was reprieved.¹

The dilettante side of John's nature, which found expression in music on the virginals, in the luxurious furnishing of his house with its many cushions, hangings, carpets, and elaborate household equipment; in the personal belongings of himself and his wife, all separately devised in his will, leave a similar impression of a sheltered existence disturbed only by much worrying over its unimportant details. In these circumstances it was perhaps natural that the most dramatic and memorable episode of his life should have occurred in the bosom of his family, the marriage of his eldest son John being the genesis of it.²

¹ *Middlesex County Records (Session Rolls)*, i. 60, and *Chancery Proceedings*.

² See *Genealogy II*.

We must first say a word or two about the marriage itself. The bride was Florence Wadham, whose brother Nicholas founded the Anglican college at Oxford that bears his name. The benefaction was all the more remarkable, seeing that he and his family remained faithful to the Church of Rome. As his sister's wedding occurred in 1558, it raised no religious difficulties, but later on, after the death of her husband, the relations between the two families became more strained.

After the marriage the couple settled at Kentsford, a house with 200 acres of land bought from Sir John Luttrell. While living there in the following year Florence was taken ill and falling into a 'mystical fit'¹ became as though dead. Kentsford is but half a mile from St. Decuman's, and thither she was carried and buried in the vault. That same night she was restored to her family, for the sexton, Attewell, knowing that on one of her hands were three valuable rings, returned to the church after dark, opened the coffin, and cut a finger to get one off. He was then terrified to see blood flow and the body move, and he fled out of the vault leaving his lantern behind. Meanwhile Florence, now thoroughly awakened by his surgery, arose from her coffin and in grave clothes with lantern in hand found her way home to Kentsford. She was naturally received with terror and consternation by her household, who, believing her to be her own ghost, shut the door against her and entreated her to depart and not torment them. But the truth of her physical presence was undeniable. She was received back into her family and soon afterwards gave birth to her only child, a son named John.² A peculiar and disturbing contingency connected with her premature funeral was

¹ i.e. mysterious.

² See Genealogy II.

that, but for the covetousness of the sexton moving him to interfere with her supposed corpse, the family of Wyndham might have become extinct in the male line in 1837, for every living member of it is descended from her one child born after her resurrection.¹

After this interlude, so narrowly approaching disaster, we may resume our history with Mary still on the throne and married to Philip II of Spain.

One of the several pernicious results of this alliance was a renewal of hostilities with France, not because of any English interest, but because Philip happened to be at war with that country at the time. The French King conveniently provided a pretext by backing the fantastic attempt of Thomas Stafford, an *émigré* resident in Paris, to make good his remote claim to the throne of England. Sailing from Dieppe in April 1557, he landed at Scarborough and was arrested and sent to London for execution. The affair was serious only because it was aggressive on the part of France, and because war with France meant war also with Scotland. Early in May commissions were issued declaring that 'the French being in arms beyond the seas it is expedient for us to stand upon the guard and to exercise our shews and garrisons there'. The Norfolk Com-

¹ There are two less romantic versions of this story. The one is that during the funeral sermon the bearers of the coffin heard movements in it and that Florence was then taken to a neighbouring house, where she recovered. The other is that the sexton, as he was closing the vault, heard a noise in the coffin. One version gives the sexton's name as Burton. Against this it may be said that Attewells still live in the neighbourhood. The paternal grandmother of Mr. Prole, the present (1938) sexton, was an Attewell. Tradition declares that a large sum was offered to the sexton as a reward, but he never came forward to claim it. There is a close resemblance between the story of Florence's premature burial and that of Ginevra degli Alfieri in Florence in the year 1400. Ginevra, however, after her resurrection, was rejected by her husband and, being declared officially dead by the ecclesiastical courts, was able to marry her true lover, Antonio Randonelli.

mission was addressed to Sir Henry Bedingfield,¹ Sir Christopher Heydon, and Sir Edmund Wyndham. It charged them to enrol men, some of whom should be skilful gunners and good archers, for the defence of the English Pale, and ordered them to erect beacons and to fortify the coast of Norfolk against attack.² There followed as a matter of course a forced loan to meet the expenses of the war, and once again Edmund's services were requisitioned as a member of the commission for its collection. The loan was as unpopular as was the war; and even the victory of St. Quentin was no recompence, for it lulled the government into so false a sense of security that, when the French attacked Calais by sea and land, there was neither an English fleet in the Channel nor adequate defences on shore to resist them.

The loss of Calais seemed the last of national humiliations. It was in reality a national blessing, freeing England from an embarrassing continental entanglement. But no contemporary could so regard it, and Elizabeth on ascending the throne was determined to wipe out the disgrace. She could rely only on her own and her people's efforts. She had no allies. Spanish support, for what it was worth, could be bought only at the price of accepting Philip's hand. When she refused, Philip married Elizabeth, eldest daughter of Henry II of France, and so made peace with him who was supposed to be the common enemy of Spain and England. Then after Henry's death through an accident at a tournament, his son, the husband of Mary Queen of Scots, whose mother Mary of Guise was still regent in Scotland, ascended the throne as Francis II. Thus was created the dynastic unity of Scotland and

¹ Vice-Chamberlain at Mary's Court.

² *H.M.C., 3rd Report*, 239.

France that Henry VIII had fought his last war to prevent. In two respects, however, the situation had changed. In the first place Protestantism both in Scotland and in France had gained in strength, while Spain was hampered by the revolt in the Netherlands. Secondly, the Scots were beginning to revolt against the domination of their country by the French; and they were relieved when the death of Francis in the same year that he succeeded diminished it. These developments gave Elizabeth an opening to appeal to the Protestant and patriotic feelings of the Scots and of the Dutch, and to the Huguenots in France. At the same time her relations with Spain were exacerbated by her challenge of the Spanish monopoly of the new world in the West. Her power to play an effective part in these circumstances depended upon the military strength of the country being vitalized; and until the defeat of the Armada, and also after it, defensive measures were actively pursued. We are here only concerned with those organized in Somerset and Norfolk, and more particularly with the former.

The first thing to be done was to set a county commission to work to make regular musters and returns of:

1. Men classified as archers, billmen and pikemen, and gunners.
2. Horses, divided into geldings for light horsemen and great horses for demi-lances.
3. Harquebuses, bows and arrows, furniture for pikemen and corslets.

Both Sir John Wyndham and his son John were of the commission. In September 1560 it was able to declare a total of 6,000 men with armour, weapons, and horses as follows:

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Great horses furnished with armour and weapons	
for demi-lances	20
Light horsemen furnished	125
Footmen furnished with calivers and harquebuses	382
Pikemen furnished with corslets	1,180
Archers furnished with almain rivets and jacks .	1,010
Billmen furnished with almain rivets	341
Archers furnished with bows, arrows, swords and daggers	1,900
Billmen furnished with bills, swords and daggers .	1,042
	6,000

Every person, under penalty of a fine of £20 for every three months in default, was required to keep horses and armour according to his wealth. For Sir John Wyndham this meant the following armoury:¹

- 1 great horse with a demi-lance.
- 4 corslets furnished.
- 2 geldings for light horsemen furnished.
- 2 pair of almain rivets.
- 2 calivers.
- 1 morion.
- 2 bows.
- 2 sheefs of arrows.

For John Wyndham it meant:

- 1 corslet furnished.
- 1 gelding for a light horseman furnished.

Every man, between the ages of seventeen and fifty-nine, who could shoot and was without a bow and four arrows for a month was liable to a fine of 3*s.* 4*d.* Butts were built for archery practice under penalty of a collective fine on those responsible for any default. Special ranges for harquebus practice were constructed

¹ *Somerset Record Society*, vol. xx.

at convenient places to be used only on weekdays and holidays, and in no circumstances on Sundays. Prizes were given for shooting matches, the inhabitants being asked to contribute towards them. All games likely to divert attention from shooting practice were prohibited, and the fines imposed for breaches of this order were applied to shooting prizes.

One most effective contributor to this great national rearmament was Sir Thomas Gresham, the founder of the Royal Exchange, who was at the time Elizabeth's agent in the Netherlands. The position he created for himself at Antwerp was in every way extraordinary and included a most convenient control over the customs officers whose duty it was to prevent the export of arms and ammunition. Having blinded them by bribes, he was able, under the very eyes of the government, to send away shiploads of ordnance, harquebuses, morions, corslets, pikes, dags,¹ and gunpowder for delivery to the Tower of London.² From that centre they were distributed to counties to be issued to individuals against payment, it being the duty of each citizen to possess his own arms. Sir Edmund Wyndham took the matter up in Norfolk in association with Sir Christopher Heydon. Together they agreed to accept a consignment and to pay for it, relying on recovering the money from those to whom they issued the arms. The business proved troublesome. The arrival of the consignment was delayed by contrary winds and in July 1560, when payment for it became due, the associates had to write asking for further time until they had passed the arms on. A month later they had to repeat the request, as part of the consignment still remained on their hands. Perhaps they were endeavouring to make too large a commission

¹ Dag = a pistol.

² J. B. Black, *The Reign of Elizabeth*, p. 39.

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on the transaction, for a year later it was still not completed, as the following letter to the Lieutenant of the Ordnance at the Tower shows:¹

‘After our right hearty commendations, whereas there is certain money due to be paid to you for the Queen Her Highness armour received by us for the furniture and better defence of this Her Highness county of Norfolk, we have thought it good to advertise you, that, although as well our very good Lord the Duke of Norfolk, as we for our parts, have both travailed and devised divers ways for the speedy levying of the said money and payment thereof accordingly, yet notwithstanding a great part of the said money has not yet come to our hands contrary to our expectation in that behalf, whereupon we shall desire you, in the continuance of our former request, to forbear the said money for a longer time, and for all such sums of money as have been already received, this bearer Mr. Daubeney shall pay them to your hands now at his being in London.’

How the matter ended does not appear. But at least the arms were in Norfolk, even if Edmund and his partner in the business lost money over them.

Edmund was now sixty-five years of age and we hear no more of him until he died in 1569. He left an unworthy successor whose litigious and reprehensible career is described in the next chapter. During the following five years death also took toll of the Orchard Wyndham family. Elizabeth died on 1 January 1571, three years before Sir John, thus giving him the opportunity personally to supervise the erection of a canopied altar tomb in St. Decuman’s for her and for himself. On it are brasses representing them both and plates inscribed with adulatory poems to their memories. We have already quoted extracts from the stanzas

¹ Add. MSS. 5752, ff. 254-5.

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dealing with him. Those referring to her are not less complimentary, praising

Those goodly gifts that did the mind possess
As zealous love to God and to His Laws.

and

The race of children suiting her degree

that were born to her. John, the eldest of them, died before his father, leaving Florence a widow with her one child John. It was over his upbringing that relations between the Wadhams and the Wyndhams became strained. His grandfather seems to have feared that the Wadhams might endeavour to upset the precise plans he had made for the boy's future. He therefore included an instruction in his will that if Florence's father attempted to interfere with them, the boy should forfeit some of his legacies. Happily the contingency never arose.

Elizabeth's three other sons, Edmund, Charles, and Humphrey, survived their father and must be briefly introduced. Edmund was the progenitor of the Wyndhams of Kentsford who sacrificed everything for Charles I. He is a subject of Chapter VI. Humphrey became a successful lawyer of Lincoln's Inn, investing his savings in city properties. When he died he owned a 'capital mansion', a corner house in Dowgate Street, and five other messuages all in the parish of St. Mary Bothaw; a messuage called the 'Blue Bell' in the parish of St. Mary Colechurch; and a moiety of five messuages in the parish of St. Faith's, whose church was the vault under the east end of St. Paul's Cathedral. All these properties were destroyed in the Great Fire of 1668. He also owned eight messuages in the parishes of St. Saviour's and St. Olave in Southwark. He had a lucrative practice. His country house was Golden Hill in

the manor of Wiveliscombe in Somerset, and there he ended his days serving as a Justice of the Quorum.¹ Some of his experiences as a magistrate are alluded to in the seventh chapter, below. His wife was well known for her gift of healing, and her powers are recorded on their tomb in Wiveliscombe Church:

His matchless wife, whose heaven blest skill and cost
Cur'd sundry whom the surgeons held for lost
Of dangerous wounds, dim eyes and festered sores,
Sent maimed cripples crutchless from her doors.

Charles, too, married a remarkable woman. She was widow of John Newton of Sandhill, close to Orchard Wyndham, and there Charles lived until he died in 1585.² His widow married a third time and died in 1622. She was reputed to be a witch. Nor could there be any doubt of it after her neighbours, returning from her funeral and passing by her house, saw her frying eggs and bacon in her kitchen. The evidence that she murdered her three husbands, as was commonly stated at the time, is less convincing. The whole village saw the posthumous proof of her witchcraft. Her alleged murders were attested only by idle gossip, probably based, so far as Charles Wyndham was concerned, on the fact that by his will she had the enjoyment of most of his property for her life. Moreover, her restless spirit haunted an upper chamber in Sandhill long after her death.

Edmund, Humphrey, Charles, their nephew John and his mother Florence, were all included in the defence organization of Somerset, the growth of which is shown by the figures of the muster in 1580 being

¹ Humphrey's only son died young. His only daughter married John Colles of Barton in Somerset.

² Sandhill was bought from the Newtons by Sir John Popham, who sold it to Charles.

12,000 'able footmen', double the total twenty years earlier. The number of horses had increased relatively still more to 47 great horses and 308 light horses. Horsebreeding had been actively encouraged in order to improve the supply, and on 26 August 1583 a special census of horses was taken. It showed that Edmund owned one light horse named John Borough and that he was required to furnish another by 1 November. The horse's name had a prophetic significance, for John Borough the man, a contemporary of Edmund's sons, became Keeper of the Records in the Tower under James I and Garter King-of-arms under Charles I, and was a strong royalist. He it was who wrote the book entitled *Sovereignty of the Sea* that encouraged Charles to finance himself through ship-money. Humphrey was ordered to have two light horses, having apparently none. Charles owned one and he was called upon to make good the deficiency by the same date. On 15 March 1586 another list was made of the 'persons charged to find horses in the west part of Somerset'. Edmund was duly entered as being in possession of his two. Charles had died the year before. Humphrey now had his two, and as a Justice of the Quorum was also required to find two men on horseback, armed with 'petronels'¹ and clad in 'cassocks' of one colour, to attend upon the Lord Lieutenant of the County in an emergency. Florence Wyndham was returned as owning two light horses, and her son John, one. Together, therefore, the family had seven horses ready for service.

The contributions in money towards the cost of defence were levied as loans and collected 'by honest and good persuasions', on the understanding, however, that any one refusing to subscribe would be

¹ Carbines.

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certified a recusant. John, his mother, and his uncle Edmund were each assessed at £25 and they paid up in April.¹ Sir Henry Portman, John's father-in-law, was called upon for £100, and Nicholas Wadham for £50.²

The effectiveness of the thirty years of preparation that we have briefly described was never put to the test. The defeat of the Armada saved England from the invasion it was sent to cover. But this did not detract from the significance and value of the movement. It had keyed up the nation and taught it to realize the heritage it had to defend.

¹ What the year was is not known, as the original document is lost.

² Emanuel Green. Preparations in Somerset against the Armada.

V

ROGER, SIR FRANCIS, AND THOMAS¹

I

ROGER's career, as we have already stated, was litigious and reprehensible. He devoted his time and energies to 'arresting with process of common law every one of his poor neighbours that he could imagine some matter against'. He far outstripped his great-great-grandfather as a litigant; and it is interesting to observe that, while the latter had John Heydon as his associate, Roger's wife was Mary Heydon, great-great-granddaughter of John.² On the other hand his relationship with the Heydons did not prevent him quarrelling with them in a typical manner. In a moment of unusual generosity and under the benign influence of the Christmas festivities of 1585, he had promised Sir William Heydon, his wife's nephew, a buck from Felbrigge Park. In the following July, on a Sunday, the promise never having been fulfilled, young Christopher Heydon, Sir William's son, with a friend and a greyhound, went to Felbrigge to ask for it. They found Roger out, as he happened to be in church, an unusual occurrence; and, walking away from the house and finding a deer, they unleashed the greyhound and had a course. The park keeper then appeared and expostulated with them for coursing without Roger's leave. They returned therefore to the house to see him and explain. He was still in church, and to fill in the time they regaled themselves on some beef they found roasting on the spit in the kitchen. To Roger such conduct was intolerable. He made it

¹ Sons of Sir Edmund Wyndham of Felbrigge.

² Genealogy I.

the excuse for protracted proceedings in the Court of Star Chamber with apparently no other object than litigation. He fell out also with his cousin Henry Wyndham, the son of Thomas the Vice-Admiral and navigator, who was his creditor for about £100. Not being able to secure payment, Henry got a writ of execution issued and sent his son Thomas, with a choice band of friends, to carry it through. This they did with the usual sixteenth-century thoroughness, and so gave Roger the opportunity to retaliate with an action for damages.

Roger was, indeed, a quarrelsome curmudgeon and, as owner of Felbrigge and head of the family, was a sad degeneracy from his predecessors. When Weever, writing of Sir Thomas Wyndham, remarked that 'this hath been a name of exemplary note and knight's degree for many a descent', he charitably overlooked Roger,¹ who between 1570 and 1586 sued over a hundred of his neighbours. Nearly all his victims were small copy-holders or poor men who could ill afford the luxury of the law. So unbearable had the scandal become by 1586 that twenty of the victims petitioned the Privy Council for redress, and the Council ordered Roger to appear before it on December 16. Appear he did; and no doubt was soundly rated.

An additional grievance was the methods Roger adopted of conducting his cases. They were as provocative and as inconvenient to the defendants as possible. As might be supposed, he was not a regular church-goer, indeed he 'very seldom went to church and to sermons not at all', but he used the opportunity of others being there to serve writs on them citing them to appear in London. Parishioners returning home from church would find these ominous documents

¹ Weever, 796.

awaiting them, and the whole parish would be in an uproar. Most of the recipients had never seen London in their lives, and the prospect of going there merely to be baited in the law courts was so alarming, and the cost and the loss of time so prohibitive, that they preferred to give Roger whatever he demanded, especially when they observed his treatment of those who had the temerity to withstand him. Another trick of his was to start proceedings, then abandon them, then start them afresh; and so keep his victim on tenterhooks. Or, if Roger were the defendant, he would stop the proceedings by offering terms and then fail to carry them out. Altogether his is an unpleasant story.

Roger's first case, after he inherited the Felbrigge estate, is a good example of unnecessary litigation. On the death of Sir Edmund Wyndham, Thomas Green, who was his general surveyor, Walter Whiting, his general steward, and Lancelot Holmes, the officer of his manors, vacated their appointments as a matter of course. Roger did not wish to reappoint them. But they had in their possession all the manorial records, and he suspected that they might retain some of them in order to hamper him and their successors. He was all the more suspicious because he knew not how many documents they held, nor in what chests or boxes they kept them. He refused to be satisfied when 'they offered and required him to receive the documents'; for they might be keeping some back. And so he started an action in Chancery for an order commanding them to deliver everything. He got all the papers; but whether or no he was justified in making such a pother over them it is not now possible to say.¹

¹ Roger appears to have become reconciled to Whiting, and in his will left Mrs. Whiting a mourning gown.

No sooner was this settled than Roger was in trouble with Robert Gold, the rector of Felbrigge, over tithes. After the dispute had lasted some years, and after Gold had moved from Felbrigge,¹ he and Roger agreed to refer it to arbitration and each deposited security to abide by the decision. So far so good. But Roger was not the man to abide by an award if it went against him; and against him it went on every point. It made him personally responsible for the tithe due on all grazing within the parish, excluding the sheepwalk and the 'summer lays',² at the current rate of $2\frac{1}{2}d.$ per acre. By this ruling, so he complained, the arbitrators, 'not having sufficient skill and knowledge in the laws to commit to writing the order which they intended to make', unwittingly condemned him to pay tithes at $2\frac{1}{2}d.$ per acre on Felbrigge Park 'containing a great quantity of land' which was and always had been employed to the keeping and feeding of deer. It was manifestly absurd, he argued, that he should be expected to pay tithes on land that produced no revenue, and the arbitrators cannot have meant that he should. Then again they had, without meaning to, found him responsible for the tithes of other men besides his own, which again was ridiculous. Nevertheless Robert Gold, taking advantage of the security, 'against all equity and conscience' and 'clean contrary to the intent of the arbitrators', had the temerity to start an action against him in the courts at Westminster to recover the full award. In this matter it would seem that Roger had some just cause for complaint. His case being in the competent hands of his brother Francis, who was at this time Recorder of Norwich, indicates that it was more defensible than his other lawsuits.

¹ Another Robert Gold became rector of Felbrigge in 1603.

² Summer meadows.

The same remark cannot apply to his quarrel with William Read, the rector of Metton,¹ where Roger owned property brought into the family by his mother. The rector sued him for a trespass, and forced him to meet the charge, which he had somehow managed to evade, by getting a writ of *venire facias* issued. By this process the Sheriff was commanded to empanel a jury to hear the case, and among the jurors summoned were Thomas Thackwell and Thomas Locksmith who were copyholders of Felbrigge manor. Each occupied holdings of a little over 13 acres which 'time whereof the remembrance of men was not to the contrary' had been demisable only by copy of Court roll. The position of two jurors sitting on a case to which the lord of their manor was a party was apt to be delicate. When Roger was the lord it became positively dangerous if they supported a verdict against him. And yet that is what they did. He was determined to be revenged. He caused a manorial court to be at once summoned, and 'partly by threats and partly by very great persuasion' induced it to bring a formal charge against Thackwell and Locksmith for having found against their lord. He then ejected them from their holdings. For remedy they appealed to the courts at Westminster. They feared, so they declared, that they 'being very poor men and Roger Wyndham very rich, of worship and greatly allied in the county', they would get no justice locally. Furthermore, they complained that Roger had secreted the manorial records in order to prevent them producing any evidence against him.² Another sinister fact connected with this affair is that in this same year Read ceased to be rector of

¹ Read was appointed by Sir Edmund Wyndham in 1559.

² Roger also threatened Thomas Gamble, a witness in the case, that he would be even with him.

Metton, and Roger appointed John Bartram in his place.

Thomas Musgrave, the rector of Aylmerton, was another sufferer from Roger's failure to pay tithes. The default began in 1570, the year of Musgrave's appointment and of Roger's succession to his father. The appointment was made by Sir Edmund's executors, and that fact no doubt was a reason for Roger's hostility. Anyhow, the arrears of tithes accumulated until 1586, when the rector joined in the appeal to the Privy Council. With him Roger adopted the expedient of promising to pay and then failing to do so, thus inducing the unhappy Musgrave to abandon proceedings, and then obliging him to restart them. He submitted an account to the Privy Council showing his losses to have amounted to £140, a formidable sum for a country parson.

Another class of lawsuits arose out of dealings in seed wheat and barley. One supplier named Arthur Wolsey undertook to deliver three bushels of seed wheat for 9s. and Roger's servants took them at this price and were apparently satisfied. But some time afterwards Roger claimed to have bought twenty bushels, and got a writ issued for the balance. The servants swore that they had bought twenty and had received only four, for which they had paid 12s. The court accepted their evidence, ordered the delivery of the remaining sixteen bushels, and assessed damages and costs at £8. 16s. A distressing scene occurred when Wolsey came to Roger to settle. He naturally asked to be paid 48s. for the sixteen bushels, but Roger replied that he might win it by law if he could. Then Wolsey put down £8 and started to leave the room, when Roger, remembering the balance of 16s., called him back and demanded it. Wolsey, looking in his

purse, found there only 15s. 11 $\frac{3}{4}$ d., one coin being a three-farthing piece instead of a penny. He was at once ordered out to borrow a penny from his neighbours, and was not released until the whole sum was paid. George Mumford, who had seed barley to sell, was another sufferer. He agreed to supply forty bushels for cash. When Roger's servants came to take delivery they had no cash, and Mrs. Mumford, her husband being absent, declined to hand over the seed on the ground that 'no debt may be gotten from the said Mr. Wyndham without double the expense of the value in law'. Whereupon the usual writ was delivered, probably while the Mumfords were listening to a sermon. But Roger this time let the case fall, 'being ashamed to come to trial', so his numerous enemies declared.

There was a large crop of cases arising from Roger's omission to keep his fences, and particularly his park fence, in repair. His cattle wandered about eating up men's corn and grass 'most lamentably', while their cattle, so he complained, probably justly, trespassed on his land. No more fruitful cause of local feuds and recriminations could be imagined; and charges and countercharges about straying stock and dilapidated fences inspired many suits.

The withdrawal of land from the control of the manorial court into that of the lord of the manor, a grievance that had been included in the petition drawn up by Robert Kett on Mousehold Heath, was another cause of litigation. After evicting Thackwell and Locksmith, Roger no doubt replaced them by tenants of his own. The particulars of a similar transformation of sixteen acres in Wicklewood have been preserved to us in the case of *John Gosling of Yarmouth v. Wyndham*, heard in the Court of Requests in 1571. The holding

had belonged to Edward Banyard, a man of property who lived in Wymondham. After his death, his widow Elizabeth held the property until she married Leonard Palmer of Norwich, who thereupon became seized of it in her right. There were several suits pending between Palmer and Gosling and they were not on good terms. Nevertheless, Palmer and his wife agreed to sell their interest to Gosling, who thus became liable for a fine to the lord of the manor on the transfer. Sir Edmund Wyndham, at Gosling's request, assessed the amount payable at £5. But before the transaction could be completed Sir Edmund died. Gosling then approached Roger, who, he declares, agreed to accept the £5. Accordingly at the next manorial court Gosling prayed to be admitted as a copyholder in conformity with his bargains, and asked to have his 'Copy of Court Roll' issued to him. In the meantime Roger had let the ground to William Kett, the son of the rebel, whom he had engaged to be his bailiff. He contended that the Banyards had been tenants of his father and never copyholders. Kett, who did not hold with his father's views on the maintenance of manorial court control, supported this contention of Roger's by affirming that the Banyards had failed to pay their rent and that Sir Edmund had evicted them, allowing Elizabeth, however, to reoccupy the holding after her marriage with Palmer. When the Palmers also fell into arrear, the ground was for a second time forfeited, and Roger was at liberty to let it to whom he pleased, without reference to the manorial court. And let it he did to Kett.

One of Roger's contemporaries, John Ferroure of Gressenhall, a direct descendant of the friend of John Wyndham the elder,¹ made himself equally obnoxious

¹ See above, p. 22.

to his neighbours. But his methods were different. He was more of a usurer, buying up debts, or getting people enmeshed in bonds and then causing them to default. One of his victims was a certain Windham of Licham, to whom he lent £10 and received in the first year for interest no less than forty-four bushels of barley! The Privy Council, hearing of his misdeeds, deputed Sir Francis Wyndham, now a Judge of Common Pleas, Nathaniel Bacon, and three others to examine into them and end them by the parties' consent. Perhaps they succeeded; but there is no record of what they did.¹

Having got rid of his Privy Council business, Roger went on an expedition to the north of England to buy horses. On his way back he fell in with a stray colt that took his fancy and, not seeing anybody about, added it to his herd. But he did not escape detection, and the story was soon known all over Norfolk. Roger's many enemies seized on it with avidity. Copies of a letter describing it were circulated through the county. Christopher Heydon reported it to his father. Robert Gold got full particulars from two of Roger's servants who had been witnesses of the act. One John Senior was sent to tell Sir Francis Wyndham and Sir Edward Clere, a descendant of the man whom Roger's father had struck in the King's tennis court and with whom he was on notoriously bad terms. The accusation played a prominent part in the lawsuits with Christopher Heydon for coursing in Felbrigge Park and with Robert Gold over the tithes. Roger vainly tried to explain that he had done his best to drive the colt away, but that 'he could not be rid of it'. He declared that he had published a notice that the colt was avail-

¹ *Acts of P.C.* xiii. 118. The papers concerning Ferroure are in the collection of Mr. H. L. Bradfer-Lawrence. I am grateful for his permission to use them.

able to its rightful owner when he claimed it. Nevertheless, there it was, still in Roger's possession. The feeling in the county was so stirred that the Privy Council, knowing Roger's unpopularity, felt constrained to write to the justices in January 1587 warning them to 'carry themselves with all indifferency and uprightness' at the hearing of the charge, and advising Sir William Heydon and Sir Edward Clere to be absent from the bench. They then deputed three justices, of whom Nathaniel Bacon was one, to examine the charge and to report to them specially on it.¹ Which seems to show that they realized that Roger needed watching. Nor were they wrong, for in the very next year he became involved in a still more serious scrape.

On 2 February 1588 a Scottish ship on its way home from France was wrecked on the coast of Norfolk near Runton. As a general rule, but with certain recognized exceptions, wreckage washed up by the sea belonged to the Crown. So also did wreckage still afloat in a ship. But the latter principle had been relaxed so far as to allow the owner to recover it if he could prove his claim within a year and a day. The Scots had no difficulty in doing so. But, needless to say, much cargo was missing. So soon as the wreck was known a crowd of about two hundred quickly gathered on the spot, and among it were many who were eager to take advantage of the opportunity. Roger hurried down from Felbrigge and took charge; and, according to his story, the Scots offered to pay half the value of the goods saved in return for genuine assistance in salvaging them. With this encouragement he entered the wreck, and with the help of others removed some £600 worth of cargo to the parsonage at Runton, where it was locked up and the Scots given the key. He got home

¹ *P.C.* 2/15, p. 31.

that evening at 7 o'clock, having been all day on the scene. So far none of his actions appeared to be open to criticism. He could claim to have done his best to prevent looting and to make any culprits return what goods they had taken. But unfortunately he had himself appropriated some; and it was this undeniable fact, and his taking charge of the salvage operations, that caused his conduct to be investigated by the Privy Council and led them to try and hold him responsible for all the cargo that was lost.

Early the next morning Sir Francis Wyndham came down to the wreck from his country house at Pentney. He was interested because he had become the owner of Beeston Priory and was lord of the manor of Runton. Both had been acquired by his father at the dissolution of the monasteries, and the Priors of Beeston, his predecessors, had had an interest in local wrecks which he could claim to have inherited.¹ On arriving at the wreck he found that about £700 worth of cargo was still in it, and at his own cost of about £16² he removed it to the house at Beeston. He then issued warrants to the constables of the neighbouring villages to search for looted cargo, and through their efforts some was recovered. Much, however, was still missing, and the Scots held Roger responsible for it.

Accompanying Sir Francis on this occasion was a certain Edmund Wyndham, who is a mysterious and baffling figure, omitted from all known copies of the family pedigree. We must, therefore, interrupt our narrative of the wreck to introduce him. He and Sir Francis referred to each other as 'brother'; it seems

¹ Blomefield, viii. 159. A hundred years later Lady Wyndham, the widow of Sir George Wyndham of Cromer, revived the claim in right of her manor. See below, p. 287.

² A large sum it would seem.

probable, therefore, that Edmund was a natural son of Sir Edmund, who is known certainly to have had one natural daughter.¹ He is chiefly remarkable as one of those who refused to subscribe to the oath instituted by Queen Elizabeth's Act of Supremacy in 1559. At the time he was a 'professor' of civil law, probably at Cambridge, and, in addition, held the family living at Aylmerton to which he had been presented by Sir Edmund Wyndham in 1554 during the Roman reaction under Mary.² After his refusal to take the oath he was deprived of his university appointment, but did not apparently suffer any other penalties until after the bull of Pius V excommunicating and deposing the Queen. Even after that fulmination he escaped notice until August 1578, when Queen Elizabeth made a progress through Norfolk. He was then included amongst 'the Suffolk and Norfolk gentlemen who were committed for their conscience sake'. His indictment declared that he was a recusant who 'refused to come to church at times of prayers, sermons and other divine services', and he was commanded to be confined to his lodgings in Norwich in order that the bishop might confer with him. The bishop's arguments having failed to shake him, he was bound in £200 to remain in his lodgings, and in the following month was ordered up to London 'to be dealt with in some other sort since no mild course will serve to reform him'. There he was imprisoned in the Fleet. Sir Francis then intervened on his behalf by undertaking that he should appear when called upon. The plea seems to have been successful, for he was reported to be living in Paris 'as a papist' in April 1580. Soon afterwards he was recalled from

¹ Her name was Mary and she married William Beke of Norfolk.

² He compounded for the firstfruits of Aylmerton and Runton on 21 Dec. 1554.

France, and in October 1580 was one of eight recusants incarcerated in Wisbeach Castle. He was finally released soon afterwards, and in 1584 was again resident in Norwich and writing a letter promising and protesting his loyalty to the Queen—¹

‘notwithstanding any bull of censure or supposed deprivation or other sentence whatsoever either already passed or that may pass and come forth from the see of Rome, or from other place or potentate bearing countenance of derogation to the premises.’

On this understanding, although there is no evidence that he ever acknowledged the Queen’s supremacy in ecclesiastical matters, he was allowed his liberty, and was able to take part in clearing up legal questions arising out of the wreck. He petitioned the government to make the Scots contribute towards the cost of the salvage operations conducted by Sir Francis, and to put up security to pay ‘what was the custom of the country in like cases’—meaning the ‘groundage’ duty that was leviable on ships lying on a shore or beach and which the Prior of Beeston would have collected. He went up to London to press these points. Roger defended his appropriation of some of the cargo by stating that he had taken it to make sure that the groundage would be paid. He also asserted that he had been informed that the ship belonged to enemies of the Queen, and that it was his duty to hold part of the cargo until he was satisfied on the point. He did not plead the alleged undertaking of the Scots to pay half the value of the goods salvaged.

These excuses were naturally not accepted by the Privy Council, who appointed a commission of inquiry

¹ *Acts of P.C.* x. 312, 315, 333, 342, 373; *S.P.* 12/143, no. 117; *Cal. S.P. Eliz. Foreign*, xiv. 279; *S.P.* 12/172, no. 5; *Notes and Queries*, 12th Series, iii. 509; Sanders, *De Visibili Monarchia*, p. 676.

to sit at Cromer. Its composition was highly distasteful to Roger, for its chairman was Sir Edward Clere and he alone signed the report. It found that Roger had come to the wreck with 'a disordered company of his now or late servants' and that through their action 'the spoil grew'. It bound him and his servants¹ to appear before the Privy Council. In due course he and seven servants were summoned to London, and he found himself a prisoner in the Marshalsea, a prison in Southwark under the control of the King's Knight-Marshal. The report, especially coming as it did from Sir Edward Clere, roused Roger's legal combativeness to the full. In a petition to the Council he attacked Sir Edward as 'his mortal enemy in seeking his loss of life and goods'. He accused him of having examined the witnesses privately in order to influence their evidence. He called all the witnesses against him 'leud men' in the pay of the Scots and unworthy of any credence. He declared that the Scots had recovered more than they had originally lost; that to secure the payment of groundage was the sole reason for his taking any of the cargo; and that neither he nor his men carried any other part of it away. Finally he prayed that another commission, composed of 'indifferent persons', should examine into the matter afresh. The Council referred the petition to a committee consisting of Sir Julius Caesar, who was judge of the Admiralty, and Sir Robert Beale. They recommended that Roger's prayer for a new inquiry should be granted, and he was released from the Marshalsea on bail, Sir Roger Townshend standing security for him.

The new investigation took the form of a Chancery Court Commission before a jury. It resulted in Roger being 'to some sort cleared' through lack of evidence,

¹ One servant absconded so could not be bound.

and no one being convicted in his stead. The verdict placed the Council in a quandary. The Scots were pressing the government to make reparation. Roger was a person financially capable of meeting the bill, and he had now been cleared by a jury. In these circumstances the Council decided that they would nevertheless make him pay, 'because he had intermeddled and taken upon himself the charge of the ship'. Accordingly on 12 July 1590 he was returned to jail, there to remain until he had disgorged £1,609. 9s. 4d. He was not the man to submit to such treatment. He knew perfectly well that the payment could not be enforced against his possessions without an order of a court. The Council knew it, too, and tried to persuade the Court of Admiralty to give judgement for the sum. But the Court demurred, or rather did nothing; and, while Roger lingered on in jail, the Council had to explain to the Scots that it 'had no authority or duty by any law (as Councillors only of State) to seize any lands or goods of any subject, which proceeding belonged only to judicial Courts'. So long as Roger was content to be in prison, the Council was powerless. And Roger was content to remain in prison rather than pay so large a sum. He was still there in December, when the Council gave way, and let him out again on his recognizance for £2,000 to surrender himself if given eight days' warning. His victory was complete. In the following July the Scots agreed to arbitrate, and the affair was settled by Roger paying £100 at once and another £100 in November—a great reduction on £1,609.

The only result of Edmund's intervention was that the Scots were allowed to remove such of the cargo as had been saved on condition that they gave security that they would meet Sir Francis's claim for groundage if the Privy Council decided that it was due. It does

not, however, appear to have been pressed. Nor was Francis refunded his £16. It is worth noting that he supported Roger throughout; and his bad relations with Lord Hunsdon, the Queen's first cousin and Lord Lieutenant of Norfolk, to which we shall have to allude again later on, arose partly from Hunsdon's unconcealed hostility to Roger while the affair was being considered.

The last of Roger's lawsuits is perhaps the most curious of all. It was tried in 1596, two years before he died, and John Doughty, a husbandman, was the plaintiff. His story was that Roger had had him arrested on a writ of *latitat*,¹ and that John Kemp, whom we shall meet again, had stood surety for him. On the case being heard judgement had been given for Roger for £15. 10s. and costs. Roger thereupon procured a writ of execution against Doughty. But here the latter's elusiveness served him well, and the writ was returned endorsed *non inventus est*. So Kemp had to pay. Through incredible carelessness, however, he failed to get released from his bond, and Roger, taking advantage of the omission, revived the claim in 1596 and obtained judgement on it a second time. Thus 'by unconscionable dealing' he recovered the debt twice, and Kemp and Doughty were without legal remedy. Roger's reply was a simple denial. He had never received the £15 10s. from Kemp, and had not recovered the debt twice.

Which story is true? Who can say? The same doubt applies to all the surviving records of Roger's iniquities, except the wreck. They are *ex parte* statements, with reports of neither the evidence nor the judgements. Still their number is enough to convict him. It is not possible to devote a whole lifetime to litigating with

¹ A writ issued on the supposition that the defendant was concealing himself.

your neighbours and to depart 'into the great silence' with a good reputation.¹

Roger died in 1598, having survived six years his younger brother, Sir Francis Wyndham, to whom we now turn with a feeling of relief.

2

Francis also devoted his life to the law, but as advocate and judge and not as litigant. He was educated at Cambridge, and, like his first cousin Humphrey of Wiveliscome, went to Lincoln's Inn, where he was soon prominent as 'Master of the Revels' in 1554 and 1555. He was called to the Bar in 1560 and became a bencher in 1569. In the following year he married Elizabeth, daughter of Sir Nicholas Bacon, the Lord Keeper, and was employed by his father-in-law to negotiate the purchase of the Stiffkey estate in Norfolk, where Nathaniel Bacon, Elizabeth's brother, afterwards built Stiffkey Hall. The estate belonged to the Banyard brothers, Edmund and John, whose creditors compelled them to sell, a fact that greatly complicated the purchase because each creditor had to be negotiated with separately. Sir Nicholas instructed Francis that he should first obtain from them as long a time for payment as he could, and that he should then 'probe what they would abate of the whole' in order to secure payment in cash at once. If any of them stood upon their rights and would neither give time for payment nor agree to a reasonable reduction for cash, Francis was to 'prepare to contend with them', Sir Nicholas having by

¹ The particulars of Roger's cases are to be found in: Court of Requests, bundles 61, 67, 116, 135; *Chancery Proceedings*, Series 2, 197; and numerous papers in Star Chamber 5.W.; S.P. 12/195, nos. 65, 66, the latter being a list of his victims up to 1586. For the wreck, S.P. 12/120, nos. 15, 16, 12/222, no. 82, 12/224, no. 17; *Royal Historical Society*, 3rd Series, vol. iii; *Acts of P.C.*, vols. xvii-xxi.

his agreement with Banyard until 1572 to arrange terms. On this basis the transaction took more than three years to complete. One creditor, who was a 'stranger merchant', was paid in full and at once, in spite of the instructions. Another, who was represented by John Kemp, the guarantor of Doughty's debt to Roger, agreed to wait six months for part of her claim and accepted Francis Wyndham's bond that the balance would be paid within two years. Another reduced his claim in consideration of a cash payment—and so forth. The total sum passing amounted to £2,600.¹

At this time Francis was also acquiring properties for himself, among them being a town house in Norwich and a country house at Pentney. The house in Norwich had been Lady Morley's² and afterwards Sir Roger Townshend's. It was called the 'Committee House' and was situated near St. Giles's Gate and close to the 'Chapel of the Virgin Mary in the Fields', commonly called the 'Chapel-Field', where city business had formerly been transacted. Before the dissolution of the monasteries the field was monastic property and ploughed land. It now belonged to the city and was pasture, parts of it being enclosed as a croft, and a cherry orchard. On it was a dove house. These Francis leased in 1572 to add to the amenities of the Committee House.³ In the house itself the chief feature was a gallery with hangings that were so choice and valuable that Francis left them to be heirlooms in Pentney house, so long as it 'pleased God to suffer it to remain in his blood and name', and subject to each successive owner being bound in £100 to hand them

¹ The papers relating to the sale of Stiffkey are in Mr. Bradfer-Lawrence's collection.

² See above, p. 6.

³ See map of Norwich at the end, where the house and the field are clearly shown. In 1713 a 'bedlam' was built on part of the site of the house. Blomefield, iv. 224, 235. The field is now a public garden.

on to his heir. The property at Pentney comprised the priory with the manors of Ashwood, Pentney, and West Bilney. All had been monastic property, and at the Dissolution came into the hands of Thomas Mildmay, whose son sold them to Francis. At Pentney he built a mansion with a garden, of which nothing remains to-day; and he carried on farming operations, including fattening cattle for the market.

Sir Henry Spelman, in his *History of Sacrilege*,¹ suggests that the possession of Pentney doomed Francis and his brothers to die without heirs. The doggerel—²

Horner, Popham, Wyndham and Thynne
When the Abbot went out then they came in

also implies that the family benefited more than most others from the spoliation of the Church. Francis is the only member of it against whom the accusation can justly be brought. Two priories with their adjacent manors, and monastic property inside Norwich was a fair slice; all of it, however, paid for at a fair price.

Francis was now well on the way to success. His career at the Bar continued to prosper. He was Reader or Lecturer at Lincoln's Inn in 1571 and 1572. He became treasurer of the society in 1575 and took silk in 1577. He had married the daughter of the Lord Chancellor, an alliance that brought with it the additional advantage of a connexion with the Cecils, Lord Burghley's second wife being sister of Sir Nicholas Bacon's second wife. He was established as a landed proprietor in Norfolk, becoming Recorder of Norwich in 1576 and a Knight of the Shire in Elizabeth's fourth Parliament.

¹ Sir Henry Spelman (1561-1641), *The History of Sacrilege*, 1698, 278-9.

² Burke's *Landed Gentry*, 1858, under 'Horner'; *Notes and Queries*, 3rd Series, i. 501.

Nothing more than this bare summary of Francis's early life is possible. Nor is his parliamentary career capable of much more extensive treatment; for, although the fourth Parliament existed fitfully from 1572 until 1584, its sessions were so infrequent and brief that members had few opportunities of enjoying their privileges. Moreover, Francis took part only in the first two sessions of 1572 and 1575, which together lasted no more than three months. When the third session began in 1580 he was a judge. He did not therefore take his seat, although no one was elected in his place until the fifth Parliament met in 1584. He is not mentioned in the surviving records of the first session. In the second he was appointed to four committees. The Bills referred to three of them for examination covered technical and legalistic points and need not detain us. The work of the fourth was of more general interest. To it were sent two Bills concerning the brewing of strong ale and the suppression of 'tipplers'—early echoes of a State puritanism that became so strong in the next century and to which we shall revert hereafter.¹

On one point the second session was of special importance. Relations between the Queen and the Commons at this time were not happy, owing to the House persisting in discussing matters that Elizabeth regarded as outside its province. One of them was the religious question. In the previous Parliament a Bill for reforming the Book of Common Prayer in a Calvinistic direction unpalatable to the Queen had been introduced by a Mr. Strickland, with the result that he had been summoned before the Council and forbidden to return to the House. The House naturally challenged this 'perilous precedent' and Strickland was allowed to resume

¹ See below, Chapter VII.

his seat. The Queen, however, dissolved Parliament after it had sat less than two months; and, at the customary ceremony of dissolution, the Lord Keeper took occasion to rate members for 'meddling in matters neither pertaining to them nor within the capacity of their understandings'. The fourth Parliament met for its first session on 8 May 1572 in the atmosphere of this clear statement of legislative limitation, and was formally warned to receive no Bills concerning religion unless they had first been approved by the clergy. The House obeyed. Nevertheless, it was prorogued within two months. Nor did it meet again till February 1575 for its second session, which was notable for Peter Wentworth's famous speech claiming a democratic right to discuss all matters even at the risk of displeasing the Queen and in despite of any messages of censure. His audacity landed him in the Tower. Francis was a witness of these stirring events, though what part, if any, he took in them is not recorded. But that he was not satisfied of the justness of the Queen's assertion of an unhampered prerogative in ecclesiastical matters became clear a few years later in a charge delivered by him as a judge and which drew on him the wrath of the Queen and of John Whitgift, the Archbishop of Canterbury.

To say this is not, of course, to suggest that Francis, like his half-brother Edmund, objected to the Oath of Supremacy. He could not have taken his seat in Parliament, or indeed have practised at the Bar, without subscribing to it. That his religious views were anti-Roman is clear from a letter of his to Lord Burleigh, written in January 1580,¹ when the latter was actively engaged in stamping upon any revival of Roman Catholicism in England. The letter referred to the

¹ Lansdowne MSS. 57, f. 115.

barristers whom the Chief Justice was reported to be recommending to the Lord Chancellor for promotion to Serjeants. One of them, Marriott of the Temple, Francis described as 'somewhat backward in religion', and he suggested in his place Edmund Walter, who was afterwards Chief Justice of South Wales. Another was Thomas Walmesley, 'one likewise not thought forward in that way', being suspected of papistry. Instead of him Francis proposed a Mr. Atkins. Nevertheless, Walmesley was promoted and soon afterwards became a distinguished judge. Francis's objections to the Queen's ecclesiastical proceedings were legal, not religious, and he was supported in them by Lord Burghley.

The Queen, in order to enforce the Church conformity which she considered essential to the times, had set up judicial ecclesiastical machinery, in the shape of the Court of High Commission, that raised questions of law unrelated to religion. The members of the Court were required to have recourse to trial by jury and to the examination of witnesses upon oath to decide a person's guilt, but they were also empowered to use 'all other ways and means' to convict him. It was for him to prove his innocence, not for them to prove his guilt. One means to this end was the '*ex-officio* oath', which forced a suspect to accuse himself and his friends while denying him the benefit of a properly conducted trial. Hence the Court of High Commission became a sort of ecclesiastical Scotland Yard, inquiring into suspected offences under oath and at the same time sitting as a criminal court passing judgement on the results of its own investigations. Further to encourage and facilitate its activities the Archbishop in 1584 drew up a list of twenty-four interrogatories which Lord Burleigh, who was opposed to these proceedings, declared were

more inquisitorial than those used by the inquisitors of Spain.¹ Moreover, the ordinary ecclesiastical Courts of the Bishops began to follow the same practice and to cite men to appear before them to answer *pro salute animae* upon oath. It was against this last extension of prerogative that Francis delivered his charge.

He had offended in another matter as well. He had actively co-operated in organizing the defences of the realm in the county of Norfolk and was a member of the Commission for the City of Norwich. An account of one muster that he attended in company with the Mayor, the Aldermen, and the justices of the peace has been preserved. It shows that the city was called upon to find eighty trained soldiers armed with calivers, and lists were prepared of the inhabitants of each ward who, like Francis, were required to provide arms, and of those who were to be trained to use them. The Commissioners were instructed to warn all who were responsible for the arms, and all who had any skill in their use, or 'some other apt or mete men in their stead', to appear at the Newhall on a certain day at 8 o'clock in the forenoon, when powder would be delivered to them by the Chamberlain of the city. Each man was responsible for bringing his own bullets 'fit for calivers to be shot at marks with'.²

Obviously there was nothing here that could get Francis into trouble. But he was critical of other preparations. The Spanish intention to collect an army in the Netherlands and send it overseas under cover of the Armada was well known in England towards the end of 1587. Writing from London to Nathaniel Bacon on 22 November Francis reported the current specula-

¹ G. W. Prothero, *Statutes and Constitutional Documents, 1559-1625*, p. 213.

² W. Hudson, *Records of the City of Norwich*, i. 416-17.

tions concerning the army's destination, and his dissatisfaction with the state of the country's preparations to meet it:

'Here is very fresh news and that diversely confirmed, that there be at Dunkirk of late some 12,000 Italian soldiers, but whither they shall be sent is doubted. Some say into France, some fear into Scotland, or if hither or not is not known. But upon this, though there has been a great calm and stillness in not executing such preparations as were published in the Star Chamber should be made at every hand as well by sea as by land, yet even now, upon advertisement that came but yesterday, upon conference by the Privy Council it is said to be resolved that my Lord Admiral shall presently go to sea with a great navy.¹ . . . Here is other good news even yesterday advertised hither. That there be twelve hulks laden with cordage (which is cables and such like furniture for ships) by tempest of weather driven into Plymouth haven in the west country, which by help of two or three ships being then near upon the coast helped them to be kept and stayed there, though they much resisted the same. They came from Hamburg and were going to Lisbon as a provision made for the King of Spain's navy. But by God's Providence more than by human foresight they be stayed to do us good and to unfurnish the adversary. And so we see how much we are bound to God if we would be thankful.'

Francis's attitude of criticism, apparent in the remark about 'the great calm and stillness' in the preparations for resisting the threatened invasion, was not allayed by the passing of the danger through the defeat of the Armada. He then turned his attention to the way the money collected in Norfolk to pay for the county rearmament had been squandered. Writing to Lord Burleigh in September 1588, he declared that more had been collected in Norfolk than in any other county, and

¹ Lord Howard of Effingham was appointed Commander-in-Chief 21 Dec. 1587, and three fleets were commissioned in January.

he suggested that an inquiry should be held into its expenditure. He pointed out that the subsidy voted by the Parliament of 1586-7 would be paid more readily were people satisfied about the employment of past sums. He ended with 'a special caveat' that no persons who had handled any of the money should be appointed to report on its expenditure, 'for accountants are never fit auditors'.

The letter with its allegations of malpractices and its hint at difficulties in the way of collecting the parliamentary subsidy was ill received by the Council. Especially did Lord Hunsdon resent it as an attack on his actions as Lord Lieutenant of Norfolk and as impugning the Queen's 'commissions and other her prerogatives and proceedings in her service for levying money'. Rather a lot, it would seem, to read into it. But the Queen, the Council, and the Archbishop of Canterbury had already been incensed against Francis by his charge concerning the oaths administered in the ecclesiastical Courts. The letter 'exasperated' them further. The Archbishop had raised the question of the oath in the Council when Lord Burleigh, who would have stood up for Francis, was absent through sickness. He attacked the charge by declaring that it had 'bred a scruple to all the bishops in England that they doubt how to proceed in their courts'. The Queen was 'greatly grieved' by it and asserted that she would have all the Council call all the judges together before they went on circuit and command them not to give it any more currency. Her anxiety on the subject was all the more acute because of the mysterious appearance of the 'Martin Marprelate' pamphlets that were then being printed and published anonymously. They were highly subversive of Elizabeth's religious settlement, holding up the bishops to ridicule and threatening to plant 'a

young Martin in every parish . . . every one of them able to mar the prelate', and so encourage calvinistic nonconformity.

Accordingly a few days later all the judges were summoned to the Lord Chancellor's house, where they were confronted by the Archbishop, the Lord Admiral, Hunsdon who was Lord Chamberlain, Lord Cobham, and Lord Buckhurst.¹ The subsequent proceedings were described by Francis in a letter to Nathaniel Bacon :

'So at our being there my Lord shewed Her Majesty's mislike that the judges as she heard were not all of one mind touching the offence of the Martinists, and some favoured them which if she knew she would remove from their places; and then as to the charge given touching the oaths of spiritual courts, we were commanded from Her Majesty to forbear to give it any further till more consultation were had thereof. Then my Lord shewed further Her Majesty's pleasure touching such as were convicted of the Martinists. That if they would not submit themselves according to a draft made thereof that they should be executed! So the judges departed.'

Francis remained behind with the Lord Chamberlain, who proceeded to make various other complaints against him. The first was about his having bailed a person, whose name is not disclosed, an action which Francis justified. The next related to Sir Dru Drury, who was Member of Parliament for Norfolk County, his colleague being Nathaniel Bacon. He had spoken some words derogatory to Hunsdon, one of whose men on meeting him had taxed him with them. Drury thereupon had admitted having used them and had struck the man on the head with his dagger. Francis defended Drury; but Hunsdon would not relent and

¹ Henry Brooke, 8th Baron Cobham; Thomas Sackville, 1st Baron Buckhurst.

angrily declared that he would send for Drury presently, and charged Francis to see that he was forthcoming. Hunsdon then went on to complain that Francis bore him malice because he (Hunsdon) had been against Roger in the affair of the Scottish wreck, and preferred several other accusations against him. By this time 'dinner was ready', and he ended the interview by declaring that he had twenty other matters to bring against Francis, which would have to be answered hereafter. And so they parted.¹ The strained relations between them endured almost until Francis died. Their last manifestation was over the cost of repairing a highway in Norfolk that stirred up so much bad blood in the county that the Privy Council had to intervene to allay it and to 'restore good feeling and love, friendship and good responding' between Francis and Hunsdon.²

One would naturally wish to add to this brief review of Sir Francis's career more particulars concerning his actions as a lawyer and a judge. But unhappily there is hardly any information on the subject. In 1584/5 he was a member of the Commission of Oyer and Terminer to try Dr. Parry, who confessed to an undertaking to murder the Queen under a promise of a plenary indulgence. Shortly afterwards he was consulted on the trial of Mary Queen of Scots, but what advice he gave we know not. In 1588 he was among the judges before whom Francis Kett, a Protestant clergyman and the grandson of Robert, was tried for heresy and con-

¹ There appears to be no other record of the incidents alluded to in this important letter, the date of which is uncertain. In *H.M.C.*, *11th Report*, App. iv, it is dated 18 Feb. 1596, four years after Francis died. In *Camden Society*, Series III, vol. xxvi, it is dated 30 Dec. 1575, four years before he was made a judge. Its allusions to the Martinists and to the letter of Sept. 1588, criticizing the defence expenditure in Norfolk, prove that it must have been written about 1588-9. The original, which was in the Townshend Collection, cannot now be traced.

² *Acts of P.C.* xxi. 245-6.

demned to be burnt alive. His religious views would nowadays earn him the reputation of being an amiable lunatic to be treated with every consideration. They were that Christ and His Apostles were personally present in Judaea collecting their church and that the faithful should forthwith go to Jerusalem, 'there to be fed with Angels' food'. There are many other trials, lawsuits, and consultations mentioned in which Francis was concerned. But a mere enumeration of them would be profitless and tedious.

Sir Francis died in his house in Norwich on 18 July 1592. He left instructions in his will that he was to be buried in St. Peter Mancroft, his parish church, and that 'a convenient tomb' should be erected to his memory. The monument, showing him in his judge's robes, with a black cap on his head, his right hand resting on a death's head, and his left hand holding a book, is still in the church.¹ There is also a picture of him as a Serjeant-at-law in the Norwich Guildhall. Again one hand supports a death's head, and the other a book, but an hour-glass and the words *cogita mori* are added to the composition.

After Sir Francis's death a family lawsuit arose over the Bentley and Hamthwaite properties in Yorkshire that Sir John Wyndham had bought from the Scropes. They had been a continual source of litigation since their acquisition, being claimed by the Gascoigne family as descendants through the female line of the ancient family of Newmarch,² their former owners. In 1487 Sir William Gascoigne had forcibly entered into possession of Bentley and had compelled Eleanore Wyndham to take action against him in the Star

¹ *Norfolk and Norwich Archaeological Society*, xxv, article by R. W. Ketton-Cremer.

² Joseph Hunter, *South Yorkshire*, i. 324

Chamber. Although she had won her case the feud had been revived, again unsuccessfully, against Sir Edmund Wyndham in 1567 by Thomas Wentworth, the husband of Margaret Gascoigne, Sir William's granddaughter. From Sir Edmund the properties had descended to Roger, who conveyed them to Sir Francis on his marriage to Elizabeth Bacon. Francis in turn left them by will to Thomas Wyndham, Henry's son, 'from affection for him and his father', and 'in consideration of his being then unprovided for'. Thereupon Elizabeth brought an action against her brother-in-law Roger, and against Henry as an executor of her husband's will, claiming that the properties were included in her marriage settlement, and that she was prevented from proving it by Roger and Henry refusing to allow her to have access to the chests in which Sir Francis had kept his deeds. There is something in all this unpleasantly reminiscent of Roger's methods when Thackwell and Locksmith accused him of having secreted the Felbrigge manorial records in order to prevent them upholding their rights. But in this case it would seem that he and Henry were justified. They pointed out that they were trustees, and that even if Elizabeth had an interest in the properties, which they denied, it could only be a life interest. She, indeed, appears to have been very grasping over her husband's estate. She already had a life interest in Pentney, in the house in Norwich, and in other properties. But she was now married to Sir Robert Mansell, a retired admiral, and perhaps it was his natural combativeness that inspired her.¹

3

Thomas, the third son of Sir Edmund Wyndham,

¹ *Wyndham v. Wentworth* (Chancery Proceedings, Series II, 197/103); *Wyndham v. Wyndham* (ibid. 252/4).

during the brief period of less than two years that he owned the Felbrigge properties, was occupied in clearing up the tangle in which Roger had left them. Summoning the tenants and copyholders he addressed them in a speech in which he assured them that he would introduce no new customs nor alter their tenures, and that such of Roger's actions as had been contrary to these would make 'no custom or precedent for any man to build or depend upon'. He then turned his attention to elucidating the financial position. John Wyndham, the husband of Joan Portman,¹ was the largest of Roger's creditors, and with him Thomas negotiated a settlement, which, while safeguarding his own life-interest and that of his sister Jane, the last survivor of the elder branch of the family, secured the ultimate possession of Felbrigge to John. In gratitude John placed brasses to Thomas and Jane in Felbrigge church. From them we learn that Thomas 'lived a single life' and died on 20 December 1599. Further, a quatrain assures us of his salvation:

Livest thou Thomas? Yeas. Where? With God on High.
 Art thou not dead? Yeas. And here I lye.
 I that with men on earth did live to die
 Died for to live with God eternallie.

So also are the virtues of Jane celebrated:

With mercy to the poor thy heart did flow,
 The fruit of mercy now thy heart doth know.

¹ See below, Chapter VII.

VI

EDMUND AND SIR HENRY¹

I

EDMUND, the progenitor of the Wyndhams of Kentsford, a branch that occupies the greater part of the family history in the seventeenth century,² was different from his father. A conclusive proof of the divergence between the two is a codicil to Sir John's will cancelling Edmund's nomination as an executor. His exclusion from the office may have been due to his quarrel with Lord Rich which is described below, and which ended in Edmund having to find security in the large sum of £1,000 for his peaceable behaviour in future. Previously he and his wife, who was a daughter of Richard Chamberlain, Ironmonger, Alderman, and Sheriff of London, had lived amicably at Orchard Wyndham, occupying the same room as that in which Sir John 'had been wont to lie' before Elizabeth died, and which contained a 'high bed and a truckle bed with bedstead and furniture', and a great spruce coffer. Moreover, Sir John gave Edmund £500 on his marriage, and Kentsford, and left him other properties by will. He was not cut off by the codicil; he was only excluded from being an executor. Unluckily the one other episode of Edmund's life of which particulars have been preserved concerns his quarrel with Robert, 3rd Baron Rich and afterwards Earl of Warwick. It would, of course, be unfair to assume from these two isolated examples of friction that Edmund was by

¹ Edmund was second son of Sir John and Elizabeth Sydenham, Sir Henry the son of Thomas and Mary Everard.

² See Genealogy III.

nature unduly provocative and factious. But the second may reasonably be taken as supporting the opinion deduced from the first, namely, that he had more of these qualities than had his father, whose quarrels arose from inadvertence rather than from combativeness.

The affair with Lord Rich occurred in 1578-9, two years before Rich began his troublous married life with Penelope Devereux. His statement of its causes was that :

‘Wyndham hath had divers jewells, plate, goods and money of Lord Rich, as damasks, velvets, satins, silk stocks, wrought shirts, and divers sums of money to the value of £200 and more without the consent of Lord Rich. He hath wished the death of Lord Rich.’

To these very serious accusations Edmund was content to make the rather weak reply :

‘I should be ashamed to report my Lord Rich his folly for the beginning of his grudge towards me, whereof he gave me never warning.’

He declared that Rich was the aggressor. We give his story in his own words :

‘It may like you to understand that this last summer, there being in my company Mr. Edward Cheek, his man and mine, it was our hap to meet my Lord Rich very near the south door of St. Pauls, where, doing my duty unto him as meet while I held him my good lord and friend, he suddenly reviling me strake me with the back of his hand on the face, and got into St. Pauls. As I had cause I was moved, and, following him more earnestly than my company, in Ivy Lane I overtook him and drew my rapier and dagger, he having drawn his and his two men their swords. Whether he saw Mr. Cheek and his men draw behind me I know not, but without any blows, more than one I strake at him going in at the door, he took to a house. I told his men I had nought to say to them, and so parted for the time.

‘This last term, for that I had heard that he was come up and suspected that he would offer me some unequal dealing by report of my friends from his own mouth, as that he kept them that should cut off my legs, I commanded my man to carry a pistol at his girdle under his coat skirt, and I said—if my lord had to do with me himself and any of his men offered me wrong by odds, he should show it and say that he would discharge upon him that first came to that intent; otherwise, if but man to man, I charged him not once to stir the same, which was so done.

‘After this two days, upon Ludgate Hill as I came from St. Pauls, I met my Lord Darcy on the one side of the street, and Mr. Francis Harris on the other, whom, after I had done my duty unto, I passed by Lord Rich, coming behind them twice his horse’s length. After he saw me what he said I know not, but he turned his horse towards me, bustling under his cloak, as I thought of purpose to light and fight with me himself. I called to my man for my sword and buckler, for that I would be as well provided as I might, and drew, his men having drawn, and my man also. He himself sat still on horseback, holding his dagger by the point as though he would throw it at me; but by means of my Lord Darcy he turned his horse and went away without any more. I heard that he was offended with his men and said that if he had had men there as he had beasts, some of them would have cut my legs or hought [hamstrung] me. Hereupon, being well warned by my friends, I took a pistol myself at my girdle.

‘After this two days, standing within Blunt’s gate in Fleet street, near where I lie, he and his men were upon me suddenly, and would have forced me in at the gate. I took my pistol from my girdle and showing it said I would, if I might, go peaceably up and down about my occasions, or such like—I think more gently. By this means my Lord departed towards the court, and I, as I had intended, towards St. Pauls. I went to see Dr. Humphrey Wyndham, my brother,¹ after this an hour, where tarrying twice as long by guess, I returned

¹ That is Humphrey of Wiveliscombe.

towards my lodging. And it being somewhat dark, at the conduit in Fleet street, my Lord and his men were on me e'er I was anything aware of them. I think I passed them before most of them saw me, but seeing me at the last, he cried—"Cut his legs, kill him". They followed me with their swords out. I went as far as I might to avoid them, to a pewterer's stall in the corner towards my Lord de Rambouillet, Ambassador of France, where, warning them as earnestly as I could that before God I would discharge at him that enforced me, or the like. I do not well remember. But they pressing still upon me and one more than the rest, his sword's point very near my face, being no longer able to avoid the danger, I did discharge, upon God as my witness without sight of my Lord Rich, and so shifted me to my Lord Ambassador's as best I might.

'I here leave all his reproachful speeches, which more stain his honour than my honesty. I trust I desire not my own credit herein, but trial by the best testimony. If this be found true as I have set it down, I am here as an humble suitor, that though he be a nobleman, I did him as much reverence as any other poor man.'

We will now amplify Edmund's story from the statements of the other witnesses at the court proceedings that followed on Edmund's arrest for having shot off his pistol. There had been four encounters between him and Rich. The first was upon a Friday afternoon in the summer of 1578, Rich being accompanied by Lord Paget. As mentioned by Edmund, it took place just outside the south door of St. Paul's Cathedral, Rich abusing Edmund and striking him in the face with the back of his hand. Rich's servant, Philip Purkas, prevented Edmund drawing his rapier, and enabled his master to dart into the Cathedral with Edmund at his heels. The sight of two quarrelsome gallants and their servants dashing through the transepts from south to north probably attracted little

attention, for, in Elizabeth's day the way through the Cathedral was habitually used as a short cut for horses, mules, and pedestrians, and as a convenient place for brawling, talking, and trading. Coming out at the north door the two men ran into Ivy Lane. Here they came to close quarters and drew their weapons; but the only damage done was by Edmund, who slit Rich's cloak as it hung on his page's arm. Purkas declares that Edmund said to him that his quarrel was not with the servants but with 'ye skabbe your master'.

The second encounter, on Sunday 8 February 1579, was, as Edmund says, on Ludgate Hill, between the 'Bell Savage Inn' and the end of the Old Bailey. The words uttered by Rich that Edmund did not hear were—'That is the villein'. Nothing else happened owing to the timely intervention of Lord Darcy.

The third encounter, outside Edmund's lodging within Blunt's gate in Fleet Street, was on Tuesday 10 February. Again nothing serious happened, Rich contenting himself with crying out—'Well, Sirra, I will provide that your dag shall be left, and that you shall carry it no more'.

The fourth encounter, after dark that same evening, was at the entrance to the lane leading to Salisbury Court. Edmund, in order to avoid Rich's men, ran down the lane, leaving his cloak and his pantofles¹ behind him, going towards the French Ambassador's house, near to which was the shop of William Allat, the pewterer. We give below Allatt's own account of what followed:

'he saw three or four men with their swords drawn come upon the gent whom they call Mr. Wyndham, and did drive him back towards Salisbury Court, and against this exami-

¹ Indoor shoes. The word was in common use c. 1570–c. 1650. See *O.E.D.*

nate's shop, he showed them his pistol and told them, if they would not be contented, he would shoot it off. They came still upon him and did drive him back passed his shop. Then this examine heard the same pistol go off. Afterwards he heard a noise, and speech used, which was—"kill him, kill him"; but who should be killed or who spake those words this examine knoweth not.'

This agrees with Edmund's account. According to Edmund's servant, Robert Harward, the pistol was loaded with a paper bullet. He had loaded it at first with lead, but 'doubting the harm that might be caused if the same had been charged with bullets', he had substituted paper, and, as Edmund never examined the weapon, he never knew.¹

Such an affair was not uncommon in the streets of London in the full-blooded ebullient days of Elizabeth. Only a few years before a Bill had been read a first time in Parliament 'against dangerous abusing of Dagges and Pistolets'. It had not been passed. But the Court of High Commission had special authority to deal with assaults and affrays within the city and a radius of ten miles from it. The Privy Council itself, however, adjudicated on Edmund's case. He was committed to the Tower, while his friends made humble suite to members of the Council to treat him leniently. His release on a bond for £1,000 to keep the peace and to answer for the goods Rich accused him of having appropriated followed soon afterwards. Rich also was commanded to abstain from assaulting and menacing him.²

No more is known of Edmund save that he died in 1616. He left a large family of seven sons and one

¹ S.P. 12/130.

² P.C. 2/12, p. 536. An obscure sentence—'that he forbear to come in ye company of his wife'—is included in the Council minute. Does it mean that Mrs. Wyndham was the real cause of the trouble?

daughter, Margaret. She married, as his second wife, Sir Robert Strode of Parham, in Dorset, and so began a connexion with the Strode family which became closer later on.¹ Thomas, the eldest son, inherited Kentsford and is a subject of the next chapter. He belonged to the Jacobean age as his father had to the Elizabethan. Another son was Sir Hugh Wyndham of Pilsdon, who will come again into our history. He entered the East India Company's service in 1614 and rose to be a prominent business man in the City of London, having inherited properties in England and interests in the Bermudas and in Virginia from his uncle John Chamberlain.² Another son, Francis, inherited Sandhill from his uncle Charles, whose godson he was. He lived a quiet life, only emerging after the Civil War to compound for his alleged delinquency.³ He left no heirs. Of the other sons, Edmund was called to the Bar at Lincoln's Inn, but, as he himself says, he was 'no practizer'. Moreover, he got into trouble in November 1609 by beating a poor labourer. For this offence he was put out of commons and ordered to pay 20s. compensation to the man and 20s. fine before he was readmitted.⁴ Later on he and his three brothers, John, Zacharias, and George, lived together in uncompromising bachelorhood at Aller Butler in the parish of Sampford Brett, close to Orchard Wyndham. They all died unmarried because, as the tomb of Zacharias, who was the first to die, explains in sonorous Latin,

¹ See below, p. 187.

² *Cal. S.P. Colonial, East Indies*, ii. 286; H. F. Watts, *Genealogical Gleanings in England*, i. 307-9. Sir Hugh was created a baronet in August 1641. One small bit of evidence of his comfortable circumstances was his importation in 1647 of a bale of carpets from the East for his 'scrutoire': *Court Minutes, East India Company, 1644-9*, 239.

³ See below, p. 233.

⁴ *Records of the Society of Lincoln's Inn, Black Book*, ii. 127, 130.

marriage might have caused a breach in their perpetual companionship as messmates; a breach that death alone was capable of effecting.¹

2

Henry was very young when his father, Thomas, the Vice-Admiral and navigator, died in the Bight of Benin leaving his affairs in an embarrassed state. His will, made before he departed on the fatal voyage, left various legacies, all ominously dependent upon 'my goods coming home from Guinea, where I go myself'. As we have seen, Thomas did not come home, and, although Robert Thorne says that the expedition 'returned with gain', Thomas's family does not seem to have profited from it. The only tangible asset at his death was a sum of £600 due to him for the property at Weighton, in Yorkshire, that he had inherited from his father. He had sold it at that price, but had not yet received the money. In his will he left this to his half-brother Edmund and not to his son Henry. To him he left the lease of Marshwood together with 'all the land that shall be purchased', presumably out of the anticipated profits of the African venture. Marshwood was held only on lease and reverted to the Luttrells. Henry never lived in it. Nor could any land be bought. There was no money. These facts help to explain the absence of any record of Henry's early life, and also his anxiety to recover his loan of £100 to Roger. They also account for his becoming a civil servant and taking a post in the London customs, which he obtained through Sir Robert Cecil, the Lord Treasurer, who was, it will be remembered, a cousin by marriage of Sir Francis Wyndham.

Posts in the customs were much sought after on

¹ In Sampford Brett Church. *Genealogist*, i. 29-30.

account of the opportunities for enrichment that they afforded. The service was grossly corrupt and, in addition, was ripe for reform because it was still being administered on principles established in the reign of Edward III. Henry was very much alive to its inefficiency and corruption and had modern notions concerning the remedies to be applied. These he submitted in two memorandums addressed to the Lord Treasurer. As a preliminary to their understanding, we must describe the customs service in the port of London when he was in it.¹

The staff in the year 1604 consisted of:

- 2 Collectors of the 'Ancient Customs', one for imports and the other for exports, with one Controller.
- 2 Equivalent Collectors of the 'Petty Customs' with one Controller.
- 2 Similar Collectors of the 'Subsidies', with one Controller.
- 1 Surveyor.
- 1 Searcher controlling seven Under-searchers.
- 1 Usher of the Customs House.
- 18 Tidewaiters.
- 1 Prickler of the Steelyard.

The 'Ancient' or 'Great Customs' were fixed duties on wool, leather, and skins, and on wine imported from France. The 'New' or 'Petty Customs' were additional to the Ancient Customs. The 'Subsidies' were supplementary but separate from the Ancient and Petty Customs and were voted by Parliament, usually soon after a King's accession, for his life. The officers of the service were divided into three grades. The Collectors received the duties which were then entered on parchment rolls by the Controllers, who were supposed to be checks on the Collectors, but were in fact subordinate to them. The third-grade official was the Searcher,

¹ H. Hall, *A History of the Customs Revenue in England*, ii. 54.

who supervised the landing of imports and the shipping of exports. Under him were the Tidewaiters, who watched for ships arriving or departing and saw that they did not evade their dues. Frauds, of course, were frequent; and, as a remedy, another official was established, called the 'Surveyor'. But his appearance on the scene only raised the question—who should survey the Surveyor? In other words, as Henry said in his first memorandum, which he submitted to the Lord Treasurer in 1604:

'To make new and more officers to control and survey these is not to lessen the abuses but to encourage them, for all men must and will live by their employment either by direct or indirect means; and the King shall always be served better by a few officers and honest than by many.'

The post Henry filled was that of Collector of Subsidies on Exports. It was of secondary importance, the salary being only £76. 13s. 4d., while the Collector of Subsidies on Imports drew £400, his Controller £255, and the Surveyor £300. Nevertheless, Henry's job brought him a knighthood, for he was one of the three hundred gentlemen on whom James I conferred that honour in the garden of Whitehall on 23 July 1603.¹ Perhaps he deserved it more than some of the others, for he was an industrious customs official, anxious to reform abuses.

His first memorandum was entitled a 'Project for the reformation of the abuses formerly practiced'. He attributed them to two causes: (1) the absence of a proper organization and discipline in the service; and (2) the salaries of the officers being too low. On the first point of organization and discipline, he objected to the principal searcher having control over the five

¹ J. Nichols, *The Progress of James I*, i. 220.

under-searchers at London and the two under-searchers at Gravesend. He had found that :

‘For one man to direct and command all and they to execute as his servants is still to nourish and continue the disease, for the head being corrupt all the members must and will be corrupt; and the servants must be faithful and obedient to the master according to their oath.’

The remedy, therefore, was that the under-searchers should not alone be appointed, as they already were, by the Lord Treasurer’s warrant, but that they should also be directly responsible to him, and not to the principal searcher. Thus although they would, of course, continue to be directed in the daily discharge of their functions by the principal searcher, they would cease to be dependent upon him and would be as free to report his defalcations as he was to report theirs. So also the tidewaiters should serve under the Lord Treasurer and cease to be ‘governed and directed in the general service by none’. ‘Two of the honestest and best experienced of them’ should be put in charge of them and receive instructions from the principal searcher or the collector. Their numbers also should be reduced, ‘for they are more than their places will afford honest means of maintenance’ for. On the second point of salaries, on which Henry wrote with some feeling, his proposals were equally sensible. ‘An honest and competent means of maintenance’ was what was wanted, and should be paid regularly to each officer from fees paid by the government, from fees collected from the merchants, and from shares in confiscated goods. All searchers and tidewaiters should be bound to the Exchequer for their true and faithful service. Another useful suggestion was that the collectors, controllers, surveyors, the principal searcher, and tidewaiters should meet regularly at least once a month ‘to consider and inform

themselves of any error, fraud or abuse which shall be done or committed to the hindrance or prejudice of Her Majesty's customs and do their utmost endeavour to reform them'.¹

To a modern reader, accustomed to an established civil service drawing adequate fixed emoluments, Henry's suggestions will seem platitudes. At the beginning of the seventeenth century they were startling innovations. Previous to Mary's reign the customs had been administered on the principle of the local customers or collectors being in the position of farmers; that is to say, they were under obligations to pay fixed sums annually to the Treasury. Anything they collected over and above the amount was retained by them as remuneration. They did not belong to a centralized administration. In place of this arrangement, direct administration by the government was tried under Mary and in the early days of Elizabeth; but was not successful, owing to the difficulties of supervision and the low standard of administrative morality. Another obstacle to efficiency and reform was the purchase system by which customs appointments were usually filled. It was, for example, worth while for a tide-waiter, who officially drew only £4 a year and some small gratuities, to pay £100 or £120 for his place.² The collector of petty customs early in Queen Elizabeth's reign paid no less than £2,250 to his predecessor for the appointment. Such transactions created vested interests that were difficult to eradicate.

In 1570 the government decided to try farming out the customs as a whole, instead of separately at each port, thus increasing the central control while avoiding direct government administration. The experiment worked well while Thomas Smith, a wealthy London

¹ S.P. 14/8, no. 139.

² S.P. 12/47, no. 49.

merchant, held the consolidated farm at the London, Sandwich, Chichester, Southampton, and Ipswich ports between 1570 and 1589. But after he retired the government was once more thrown back on direct administration. Again the results were unfortunate; and the case for giving another trial to a consolidated farm was consequently strengthened. Hence little attention was paid to Henry's memorandum; and 'the Great Farm of the Customs' came into operation on 24 December 1604.¹

The event, as it turned out, was of wider significance than a mere reorganization of the customs. It proved to be an important step towards the more central control of the country's financial resources and the mobilization of its credit. To Henry, however, such far-reaching advantages were not apparent. Nor were they to his contemporaries. Experience of the future could alone prove them. Hence Henry's opposition to the principle of the Great Farm was not mitigated by them and he devoted himself to scrutinizing minutely the terms of the farmers' contract, and their actions under it, in order to discredit them in the government's eyes and so advance his own proposals. In his second memorandum, headed 'A brief collection of the practices used by the farmers and others to obscure the benefit of the King's customs', he accused them of falsifying 'the medium' in order to reduce their rent, and of undervaluing the proceeds of the 'new rates'. The 'medium' was the standard by which the adequacy of the rent offered by the farmers was tested. It was arrived at by striking an average of the customs receipts for the last seven years of Queen Elizabeth's reign, the

¹ *Transactions of the Royal Historical Society*, Series 4, i. 129-55, A. P. Newton, 'The Establishment of the Great Farm of the English Customs'.

resulting figure being £83,800. Thus, when the farmers undertook to add £28,600 to this sum, their rent became settled at £112,400. The 'new rates' had been adopted and published in a new book issued when the farm was established. The increased revenue to be derived from them was estimated at £6,000, and that amount also became payable by the farmers to the government in addition to their rent.

Henry's assertion that the medium had been wrongly calculated was undeniably true. The correct average for the seven years was £85,272, and on that basis the yearly rent should have been £113,872. The mistake was rectified in 1607, when the farmers agreed to increase their rent to £120,000 on condition that this amount included also the sum due on account of the new rates. Henry, however, was not satisfied that even this was a just settlement. And here one cannot avoid the impression that, in his eagerness to damage the farmers, he overstated his case by quoting figures that he himself admitted were only guesses. He believed that if 'all matters of allowances, licences and grants not mentioned in the books' had been included in the annual receipts during the last seven years of Elizabeth the medium would have been at least £120,000. He believed also that the receipts from the 'new rates' were at least £20,000. Thus, on these figures, the rent should have been :

The medium	£120,000
Amount added by the farmers	28,600
Receipts from the new rates	20,000
	<hr/>
	£168,600

The figures for the medium and for the new rates were both guesses. The accepted medium had been worked out by the auditors. It would, of course, have been

larger if the administration of the customs had been more efficient and less corrupt. But such as it was, the auditors could not go beyond the amounts entered in the books. Nor would there have been the remotest chance of any one offering to become the farmer at such a rent. So also with the 'new rates'. The receipts from them undoubtedly suffered from the corrupt practices that Henry so graphically describes in his memorandum, but the extent of the consequent loss was, as he himself stated, 'very hard to find out'.¹ Moreover, the best argument in favour of the farm was that the customs had been better administered during Thomas Smith's eighteen years of farm than at any time when they were under direct government control. And they continued to be farmed until 1671, when they were brought under Commissioners.

The Great Farm of 1604 was for seven years. It was therefore due to expire at Christmas 1611. As the date drew near Henry once again became active. But unfortunately, for some reason that research has not yet been able to disclose, he was in June 1610 incarcerated in the Marshalsea. He applied to the Chief Justice for a writ of habeas corpus, but was informed that it could be granted only on a warrant from the King. He wrote to James I, but unavailingly. He was still in prison in March 1611, when he wrote to the Lord Treasurer drawing his attention to the fact that the farm was due to expire at Christmas, and offering his services.² But again without results. And so he disappears. His life leaves an impression of failure and disappointment. As a reformer of the Customs he was before his time, a fact that enhances the merit of his proposals, though it militated against their acceptance.

¹ S.P. 14/22, nos. 22, 23.

² S.P. 14/55, no. 54; 14/62, no. 55.

VII

JOHN OF ORCHARD AND SIR THOMAS OF KENTSFORD¹

JOHN was a minor of twelve years when his father, the husband of Florence Wadham, died, and his wardship and the disposal of him in marriage became Queen Elizabeth's, to be sold to whom she pleased. Fortunately his grandfather, Sir John, was able to acquire them, and so he could, in his characteristic way, leave precise instructions in his will about his grandson's future. He named the boy's two uncles, Humphrey of Wiveliscombe and Charles of Sandhill, to be his guardians, and he bade them bring him up at the university and at the Inns of Court. He gave his sons-in-law, John Francis of Combe Florey and Thomas Carne, who were the overseers of his testament, control over the boy's marriage, subject to Sir Morris Berkeley of Bruton having the right to buy it for one of his daughters 'one hundred pounds better cheap than any other'. The proceeds of its sale were to be divided equally between the uncles, who also received the income from all the lands to which John was heir, during his minority. Not all these plans matured. Though John probably went to the university, it is unlikely that he ever troubled the Inns of Court. He was, as we have already mentioned, included in the county defence organization after 1580, after he came of age; and he married about the same time.² His wife

¹ Sir Thomas was not knighted until 1634. He is alluded to throughout this chapter as Thomas. He was the eldest son of Edmund and Margery Chamberlain.

² His eldest child Henry was born in 1583.

was not a Berkeley, but Joan, daughter of Sir Henry Portman. By her he built up a large family of six daughters and nine sons, whose varied experiences are narrated in subsequent chapters. As both the Somerset and Norfolk properties and his mother's Wadham inheritance were concentrated in his hands, his wealth was considerably greater than his grandfather's. He spent some of it on enlarging the house at Orchard Wyndham; adding to it the hall and other rooms that at present form the front. He, with his son Thomas, also built the Elizabethan part of Felbrigge, to which a wing was added in 1686-7.

Thomas Gerard of Trent, in his *Description of Somerset* in 1633, makes the illuminating remark about John that 'he strives rather to please his affection than to suit himself according to his rank'¹—words that could equally be applied to his grandfather. His resemblance to him also comes out in his lawsuits. He was as careless in lending money. For example, when a man named James Ross asked him for a loan of £600 in August 1619, he agreed to lend him this large sum, 'though unwillingly'. He got as security certain lands and tenements in Somerton, which turned out to consist of 'decayed walls and foundations of ruined houses' and about 140 acres of land. The loan was to be repaid with interest at 10 per cent. on 31 August 1620. It was still outstanding in 1630, only the £60 of interest having been paid. Then in that same year, for some reason not disclosed, John increased it to £1,200 at 6½ per cent. interest, the whole to be repaid in October 1631. Again the debtor defaulted and paid only £150 in 1634. Still worse, he now declared that the security, such as it was, was subject to other prior encumbrances, though what they were he refused to

¹ *Somerset Record Society*, xv. 26-7.

say. So John, like his grandfather, was driven to the Chancery Court for redress.¹ Then again the meticulous instructions he left for his own funeral are further evidence of the resemblance between them:

‘Twelve poor men to follow my hearse; each to have a gown of good cotton, stockings of white Irish cloth, shoes and black caps. Two others, dressed in the same way, to lead the horses that draw my coffin. The horses to be covered with black cotton. The pulpit-cloth to be black stuff. The minister preaching my funeral sermon to have a black gown of good cloth.’

What could be more exact and precise?

Thomas was wealthy, too, for besides coming into Kentsford and other properties in Somerset when his father died in 1616, he inherited land in Gloucestershire from his mother’s family. His own brood of children, by his wife Elizabeth Coningsby, was not quite so large as was John’s, but with four daughters and eight sons ran it very close. With these two large Somerset Wyndham families we enter the century of the Stuarts. It proved disastrous to Thomas’s. On his deathbed² in 1636 he prophetically charged his sons to be faithful to the King’s cause, and they fulfilled the behest to the letter. John’s family, on the other hand, did not commit themselves. He was a very old man when Charles and the Long Parliament began to fight, and he died, aged eighty-six, in 1645. In the meantime, before the outbreak of the war, both he and Thomas lived peaceably in Somerset, bringing up their numerous progeny and attending to their duties as justices of the peace. It is of these latter that this chapter treats.³

¹ *Chancery Proceedings*, Series 2, 419/72.

² Thomas is said to have ‘died suddenly being lethargized’.

³ The examples cited are taken from vols. xxiii and xxiv of the Somerset Record Society.

By the end of the sixteenth century the whole responsibility for local government and administration had been placed on the shoulders of the county justices. Originally established as conservators of the peace, and nominated by the Crown, they became the general representatives and agents of the central government, and therefore one of the principal vehicles of national unity. They were the medium of communication between the Crown and the people and the recipients of letters sent out by the Council. John, for example, was in 1620 deputed by quarter sessions, together with a fellow justice, to answer 'all such letters as shall come from the Lords of His Majesty's Council for the western division of the county'. Two others were appointed for the same purpose for the eastern division. The justices received demands for purveyance, benevolences, forced loans and ship-money, and in the next chapter we shall have occasion to describe some of their difficulties in meeting them. They exercised important judicial functions with which we are not here concerned. They assessed, levied, and expended the county rates and supervised the parish rates. Their administrative authority included such matters as the maintenance of bridges, the administration of the complicated and comprehensive poor laws and of the bastardy law, the regulation of drinking, the preservation of good order, the control of prices. It must be understood that this list is far from exhaustive, but it contains enough for our purpose. We will take its items in the order in which they are given, only citing cases with which either John, or Thomas, or their uncle Humphrey of Wiveliscombe had to deal.

The justices were made answerable by an Act of Henry VIII¹ for all bridges in a county save such as

¹ 22 Hen. VIII, cap. v.

were known to be the responsibility of 'some person, lands, tenements or bodies politic'. To enable them to fulfil this function they were empowered to decide who should pay the cost, whether an individual, a parish, a hundred, or the county, and to demand the levy of a rate for the purpose, subject to any appeal to the Assize Court. Thus Edmund Wyndham, Thomas's father, woke up one July morning in 1613 to find that he personally, on account of his ownership of a certain piece of land, was responsible for repairing the bridge across the Washford river at Kentsford, and that the parishioners of Old Cleeve and of St. Decuman's, whom quarter sessions had summoned to do the repairs, were not liable. Edmund was ordered by the judge of the assize held at Chard to carry them out before Michaelmas, and did so. On the other hand, when the local landowner at his own expense repaired Heale bridge in Lipton parish near Brompton Regis, the question of whether the parishioners were liable to contribute was referred by quarter sessions to a committee consisting of John, William Francis, his first cousin, George Luttrell, and Thomas, who decided that the parish should stand a third of the cost.

Mould bridge, near Watchet, may be quoted as an example of one that the hundreds of Carhampton, Williton, and Freemanors had to rebuild. Being on the coast just off 'the full water mark', it was liable to damage by storms. In the winter 1608/9 it 'foundered and was borne away' in the great flood and the three hundreds were called upon to rebuild it. This, however, they delayed to do, and the justices in quarter sessions were obliged to fine them for the negligence. Thereupon John, whose home at Orchard Wyndham was in the hundred of Williton, wrote to the bench at the sessions at Ilchester in April 1609 explaining that a

‘new Assembly’ would shortly be held to impose a rate. In the meantime ‘the constables and the rest’ had been warned to be ready to carry out the work, and ‘with carpenters and masons . . . to consider and estimate how it might best be done and upon what charge’. In these circumstances he begged that the fine might be remitted and assured the justices that the bridge would be ‘set up and well furnished’ before St. Bartholomew’s Day. A petition to the same effect was sent in by George Luttrell and thirteen others.

The county might also be called upon to assist the local people to repair a bridge. Thus in June 1627 the inhabitants of Creech St. Michael were burdened with having to recondition both Ham and Creech bridges over the river Tone, and petitioned quarter sessions to help them. They accepted full responsibility for Ham bridge and for the timbers of Creech bridge, but begged that the county should bear the cost of restoring the arches and the piers of the latter. Accordingly John Colles, Humphrey’s son-in-law, William Francis, Thomas, and two others were instructed to view the structure and report. They found that the repairs would come to more than £120 and that ‘the same hath formerly been and now ought to be paid by the county’.

The Poor Laws, which are our next topic, had recently been consolidated by the famous Acts of the end of Elizabeth’s reign—for ‘the relief of the poor’, for ‘the punishment of rogues, vagabonds and sturdy beggars’, and for ‘erecting of hospitals or abiding and working places for the poor’¹—titles that reflected the three principles governing the relief of poverty and distress—that work should be given to those who could work, relief to those who could not, and punish-

¹ 39/40 Eliz., caps. iii, iv, v; 43/4, cap. ii.

ment to those who would not. The responsibility for administering these Acts fell upon the justices of the peace and upon the parishes. The parish was the administrative unit. It contained the 'overseers of the poor', who were the churchwardens and two, three, or four householders, nominated yearly at Easter under the hand and seals of justices of the peace who supervised and controlled them. Their duties were: (1) To raise by local taxation enough money (*a*) to buy a stock of 'flax, hemp, wool, thread, iron and other stuff' in order to set to work those poor who could work, and (*b*) to relieve those who could not work. (2) With the consent of justices of the peace to set children to work, whose parents could not support them, and to apprentice them. (3) To do whatever else was necessary. The justices of the peace in quarter sessions were directly responsible for applying the Act concerning vagabonds and beggars. These subjects, when arrested, were returned to the parish of their birth, or to that in which they had last dwelt for a year, or through which they had last passed without being punished. Houses of correction were built and maintained at convenient places for their reception, and they were put to labour, 'as a true subject ought to do', until they could be placed in some service. Those who were not fit to work were lodged in 'some almshouse in the same county or place'. Two or more justices of the peace were empowered to hear and determine all causes arising under the Act. Each parish was responsible for any one of its natives whose condition called for either work, relief, or punishment, and if he was away from it at the time of his need, he was returned to it so that he should not become a charge on any other parish. He on his part could claim relief from the parish to which he belonged, that is to say, where he had either

been born, or, having dwelt there for three years, had acquired a 'settlement'. The qualification period for vagabonds, whose birthplace was unknown, was, as has already been stated, one year.

We have now to observe how the above machinery for dealing with poverty and distress was applied in particular cases in which John, Thomas, and Humphrey were concerned.

The Tucker family, consisting of Ralph Tucker, his wife Elizabeth, and seven children, was a recurrent anxiety to John during the years 1612-14. The trouble began by Mrs. Tucker being found 'vagrant and begging contrary to the law'. She was brought before John, who, discovering that her place of birth was Minehead, ordered her to be taken there. Tucker followed her, and also, presumably, her whole family. Soon afterwards 'he went again into the country to beg' and, robbing a barn at Old Cleeve, was imprisoned. But he was discharged at the next assizes, and wandering once more was again taken up near Bridgwater for breaking into a house during divine service. He now put forward his claim to a settlement at Minehead and was at once sent back there. His return was naturally most unwelcome to its inhabitants. They had enough Tuckers on their hands without him. They petitioned quarter sessions 'to take some course with them that this poor place may not be troubled with them'. They were 'young, valiant and strong' and did nothing but 'beg, quarrel and rail', while Minehead had recently 'fallen into great poverty through the late sickness, the dearth of corn, fire and other accidents'. The prayer was referred to John, George Luttrell, and John Trevelyan; but with no better results, for Tucker was in March 1614 apprehended for the third time and imprisoned at Ilchester. Quarter sessions happened to

meet there in May, and the assembled justices discussed his case. They took a more kindly view of it. They found that he was 'a very poor man' whose wife and seven children were likely to perish of famine. They therefore ordered Minehead to maintain them; and Minehead had no option but to obey, although it attempted to off-load one daughter on to another parish.

Another rather different case was that of Simon Burrage, a tailor, who, upon his marriage with the daughter-in-law of Humphrey Brown, a miller of Raddington, had been 'unlawfully received and sustained' in that parish by Brown. The parochial authorities feared that Burrage might obtain a settlement and so become a charge on them. Their protest was upheld by John and John Trevelyan, who ordered Burrage and his wife to be delivered over to the churchwardens and overseers of Upton, 'to be received, settled and set to work as poor people'. The decision was based on the evidence that Burrage had dwelt in Upton 'for the most part for three years previously'. A parish had also to protect itself from becoming liable for the support of servants whose masters turned them off because they had become 'impotent'. Thomas and Thomas Luttrell had to inquire into such a case in 1631. They were instructed 'to call all parties before them as can witness to the truth and to settle the cause and settle the woman if possible'.

Cases arising out of the churchwardens' and overseers' authority to apprentice children were not so numerous as those concerning the settlement of adults. If a man were 'sufficient and fit to take an apprentice' he could not refuse if one were allotted to him. In 1627 John Sweating of Bicknoller, pleading that he was not fit to entertain an apprentice, declined to accept one whom the authorities placed with him. Thereupon John and

Thomas were deputed to hold an inquiry. If they were satisfied about Sweating's fitness, and if he continued his refusal, they were instructed to bind him over to appear at the next sessions to answer for his contempt and in the meantime to be of good behaviour. So much for John Sweating. Soon afterwards a youth in the employ of Richard Sweating was declared to be the father of a child born in Old Cleeve, the mother of whom had died. Being under twenty-one he was condemned by John and Thomas to pay 6*d.* a week and was appointed by them to remain in the service of Richard Sweating until he came of age and could find security for the fulfilment of the maintenance order.

From this last case we can pass naturally to the embarrassing subject of bastardy. A great deal of the justices' time was taken up with it, their actions being governed by a section of a law of 1576¹ and by their powers under the Poor Law to apprentice children. The former was passed with the object of preventing children becoming charges on the parish poor fund, and so competing for its meagre resources with the impotent poor who were its rightful beneficiaries. The law empowered any two justices of the peace to make orders punishing the parents and requiring them to make weekly payments towards the maintenance of the child or to provide it with some other sustentation. If they could not or would not carry out the order they could be committed to the common jail until they found security or until quarter sessions made some other order. Only two or three of such cases need be here quoted out of a large number all more or less resembling each other. Thus, an order signed by Humphrey in March 1608 required a reputed father to pay 9*d.* a

¹ 18 Eliz., cap. iii, § 2.

week and the mother 7*d.* to the churchwardens at the communion table each Sunday after divine service. They were also condemned to confess their fault and their repentance of it every Sunday after the first lesson for two months, and humbly to entreat the congregation to pray to God with them for their forgiveness. If they failed they were to be whipped. The penitential discipline of open confession in the church was not imposed by the justices but by the ecclesiastical court and depended upon the offender being willing to submit to it. It was used but seldom. On the other hand, the fact that a man failed to place himself under Church discipline might be taken as evidence against him. Thus John, and George Luttrell, were induced for this reason to believe that Lawrence Cridland of Stogumber was the father of a child, and they ordered him to pay 14*d.* a week. It was frequently difficult to determine with any certainty who was the father. On one occasion John issued an order on no better ground than that the man 'appeared very probably to be the father'. It was a rough justice. But its main object was to make somebody contribute to the maintenance of the child and so to prevent the parish poor fund being charged. On the other hand, the justices frequently took great pains to find out who the true father was. Thomas, and George Luttrell, for example, were not satisfied with the declaration of Joan Davies that Gilbert Thorne was the father of her child. They held an inquiry in Watchet which convinced them that John Howe was the true culprit, and they postponed issuing any order until they could bring him and Thorne face to face and observe what happened at the meeting.

The justices were intimately concerned with the good or bad order and behaviour of the people under their care and received many petitions and complaints on the

subject. One accusing James Pearce of Winsford of being a man of very evil disposition who received and harboured in his house many vagrant, lewd, and suspicious persons was referred to John and to George Luttrell in 1607. Their judgement on him was simple enough. He was 'a tippler', and they condemned him to be 'dismissed for ever to tipple again'. Sometimes the justices interfered to compose private quarrels between individuals. Thus Thomas and two others were deputed to inquire into the controversies that were pending in September 1629 between Richard Oliver of Spaxton and John Dunscombe the elder of Stogursey, and which had their origin 'more in malice than for any just cause'. So also when it was reported that the widow Hill of Skilgate was possessed of goods of the value of over £10, and that she had foolishly handed them over to Thomas Yeudall who seemed likely to spend them for his own benefit and leave her on the parish, Thomas was desired to call the parties before him and take such action as he deemed expedient.

In 1633 John had to grapple with the misdemeanours of Nicholas Lucas and William Mattock, who had introduced 'the idle game' of tossing a ball against the wall in a narrow place between two windows of the chapel of Williton. Apart from the lack of reverence displayed by such behaviour, the windows were frequently broken and the people whose seats in church were near them suffered from 'the drift in of foul weather'. Moreover, there was the repeated expense of mending the windows. When asked by the principal inhabitants to stop the game the players flatly refused, and in reply to the statement that the chapel was profaned by it, Mattock 'ridiculously' asked—'Where is the church? The church is where the congregation is assembled though it be at the beacon on the top of the

hill of Quantock.' John ordered the constable to bring Mattock and Lucas before him. But they refused to come without a warrant: and when John issued it they 'stroke up the constable's heels' and ran away from him. In the end they were bound over to appear at the sessions at Taunton.

Lucas and Mattock's conduct was an example of contumacy that encouraged justices of the peace to incline towards the grim moral standards of the Puritans, who were now steadily growing in numbers. Each generation as it enters old age tends to discourse on the degeneracy of manners. The justices in Somerset were no exceptions. Moreover, the puritanical outlook on such questions as the observance of Sunday and the curtailment of opportunities for conviviality had invaded the Church of England and had infected John amongst others. That he, like his grandfather, was a conforming member of the Church is shown by a petition he addressed to the Privy Council on the subject of certain arms, valued at 100 marcs, that had been confiscated from Dorothy Wadham, the widow of his uncle Nicholas, under the Act of 1606 against Popish Recusants.¹ On Dorothy's death John became co-heir of the arms and petitioned for their restoration, he being 'conformable to the laws of this realme'. He and the justices with whom he agreed, however, did not accept the full puritanical dogma that Sunday was the same as the Jewish Sabbath and that consequently the fourth commandment should be insisted on to the letter. Neither did they wholly concur with the opponents of this view who denied the premiss on which it was based, and believed that after attending church people should not be forbidden to amuse themselves. James I was a supporter of the latter opinion, and in

¹ S.P. 14/129, no. 109; 3/4 Jac. i, cap. v.

1618 had published a *Declaration of Sports* announcing his pleasure that:¹

‘after divine service our good people be not disturbed, letted or discouraged from any lawful recreation, such as dancing, either men or women, archery for men, leaping, vaulting, or any other such harmless recreation, nor for having May-games, Whitsun-ales and morris-dances, and the setting up of May-poles and other sports therewith used.’

John also saw no objection to manly sports on Sunday. But in Somerset and elsewhere it had long been customary to celebrate the day of the saint to whom the parish church was dedicated by holding a ‘church-ale’. Other similar jollifications were ‘clerk-ales’ for the benefit of the parish clerk, and ‘bid-ales’ as compliments to other individuals. Sunday was obviously the most convenient day for these rejoicings, for on it all were free to attend them. But they naturally often resulted in uproarious behaviour, and towards the end of Elizabeth’s reign they had been suppressed by order of the judges of assize and the justices of the peace. That the order was not observed is clear from its repetition in 1613; and again in July 1615, after two manslaughters had occurred at church-ales in Devonshire. This time the justification for the reissue was not only the manslaughters but also the puritanical one of ‘the continual profanation of God’s Sabbath at these and other like unlawful meetings’. Nevertheless, the order had to be repeated for the fourth time in July 1627 with elaborate commands for its publication by the clergy.

The continued ineffectiveness of the order, in spite of its frequent repetition, and a command given by the judge of assize in 1627 and repeated in 1632, to the clergy to promulgate it, caused Charles I to interfere in

¹ S. R. Gardiner, *History of England*, iii. 251.

1633.¹ Archbishop Laud had been incensed by the judge's action, which he regarded as interfering with the jurisdiction of the bishops. He wrote to the Bishop of Wells for a report, and the reply favoured the view of those who believed that if recreations on Sunday were unduly restricted, the people would frequent the 'tippling houses' and there, 'upon their ale-benches, talk of matters of the Church or State'. Charles, therefore, reissued his father's *Declaration of Sports*, and the judge's order was revoked. The change was not welcome to John and his fellow justices of Somerset. Led by Lord Poulett, Sir William Portman, Joan's nephew, and Sir Ralph Hopton, afterwards the royalist commander in the west and whose sister married John's eldest surviving son, they protested against the revocation of the order and declared that in consequence of it:

'not only all the disorders and profanations of the Lord's Day, riotous living, contempt of authority, quarrels, murder etc., frequently overflowing the said assemblies, have increased this summer, but even the said disorderly assemblies of church-ales, clerk-ales, bid-ales, condemned by the laws, have been set up to the great prejudice of the peace, plenty and good government of the country.'

On the other hand, they saw no objection to 'civil feasting between neighbour and neighbour in their houses and the orderly and reasonable use of manly exercise, which we all shall be right ready to maintain'. They wanted only the assemblies to be forbidden, a request that was probably inspired by political as much as by ethical considerations. At any rate, their opinions earned them some unpopularity, and on one occasion a 'yet unreformed drunkard' waited upon John with a stout quarterstaff. Not finding him at home, the man knocked down two men servants and caused much

¹ S.P. 16/255, no. 39; Gardiner, vii. 319-22.

disturbance and damage before he could be ejected from Orchard Wyndham.

The consumption of beer was watched not alone from the point of view of the control of drunkenness but also in its bearing on the price of corn. The more grain was used in brewing the less was available for feeding, and scarcity meant high prices. But a rise in prices might also follow from over-exportation, or from 'engrossers' buying up supplies wholesale and keeping them off the market, or through 'forestallers' purchasing the grain before it reached the market and then manipulating a rise by spreading false rumours or by other means. 'The insatiable greediness and covetousness' of people, that Sir Edmund Wyndham had been commissioned to inquire into in the reign of Edward VI, was still considered to be the main cause of market fluctuations. Other and more potent economic reasons, such as the fall in the value of money, were no more appreciated in Charles I's time than they had been in Edward VI's. When, therefore, prices of wheat and barley began to soar from 23*s.* and 13*s.* a quarter in the middle of 1628 to 34*s.* and 20*s.* in 1629, to 48*s.* and 28*s.* in 1630, the government became seriously alarmed. The Council forthwith wrote to all counties instructing the justices to apply the recognized remedies with vigour. The laws under which they acted proceeded on the principle that exporting or engrossing grain could only be permitted when the price was below a certain level. The Act of 1603¹ allowed wheat to be exported without a licence when its price was not more than 26*s.* 8*d.* a quarter and barley when its price was not above 14*s.*, and then subject to a duty of 2*s.* on wheat and 1*s.* 4*d.* on other grain. Above these prices export could be done only by licence and could be prohibited

¹ 1 Jac. I, cap. xxv, §§ 26, 27.

by proclamation at any time. The law against the engrosser was more ancient. It dated from 1552 and 1570¹ and permitted the practice only when the prices of wheat and barley were not more than 6s. 8d. and 3s. 4d. respectively, which was equivalent in the seventeenth century to an absolute prohibition. On the other hand, the prices of wheat and barley in 1628 were below the export licence levels. Two years later they had advanced to more than double them.

In these circumstances the government's first action was to circularize all counties on 11 June 1620 instructing the justices (1) to put all possible restraints on the making of malt; (2) to reduce the number of alehouses; (3) to put the law against engrossers and forestallers strictly into force; and (4) to visit the granaries of all reputed engrossers in order to compel them to furnish the market. Two days later a proclamation was issued forbidding all export of grain.²

A shameless example of engrossing occurred in West Somerset soon afterwards. Thomas was 'sick and lame' at the time and so could not attend quarter sessions. But he reported it to the Earl of Dorset, who shared with the Wyndhams of Kentsford an interest in attempts to drain the Lincolnshire fens; projects in which, as we shall see, much Wyndham money was sunk and lost. It appears that a certain Derick Popley of Bristol sent a man named Yeomans along the English side of the Severn to buy up all the salt he could lay hands on. He adopted the plan of pretending that he was going on a fishing voyage and wanted the salt to cure his catch. On this plea he succeeded in buying all in Barnstaple, amounting to 700 bushels. He then went

¹ 5/6 Edw. VI, cap. xiv; 13 Eliz., cap. xxv, § 16.

² S.P. 2/40, 11 June 1630; *Cal. S.P. Dom. Car. I*, iii. 281 (13 June 1630).

on to Watchet, where two French ships laden with salt happened to be in the harbour. They were offering the salt at 4s. 8d., and Yeomans, and a confederate of his from Bridgwater, bought it all. Hence the price of salt rose to 15s. to the great grievance of all people and the ruin of many poor fishers of herrings, and many coopers. In the meantime John, and Thomas Luttrell, as they themselves subsequently reported to the Council, had taken the necessary steps:

‘for the stay of transportation, restraining maltsters, suppressing unnecessary tipplers, engrossers, forestallers and the like, and upon an exact view and particular estimate had of the corn in every man’s custody enjoined the owners to a weekly supply of the markets.’

Unfortunately, other justices seem to have been less conscientious, and the Council had cause to complain that in certain counties, including Somerset and Norfolk, their orders had not been carried out, with the result that prices had risen still higher, to 59s. for wheat and 30s. for barley, in spite of reports of a plentiful harvest everywhere.¹ A particularly glaring case was reported from Essex, where an engrosser of grain had been discovered whose granaries had never been visited by any justice and who had been left to carry on his nefarious business without interference. Hence another proclamation was issued prohibiting export, and the orders of June 1630 were repeated in October 1631 in more menacing language. In reply, John, and Thomas Luttrell, sent a yet fuller explanation to the Council, and were able to report a fall in the price of wheat to 48s. Incidentally also they were able to forward the results of an inquiry of theirs into an illegal attempt to export 24 bushels of peas from Watchet.²

¹ P.C. 2/41, p. 193 (14 Oct. 1631).

² S.P. 16/203, no. 46; 16/204, nos. 34, 48.

VIII

EDMUND AND CHRISTABELLA THOMAS OF FELBRIGGE¹

SIR THOMAS WYNDHAM of Kentsford's eldest son Edmund married Christabella Pyne, whose surpassing beauty was acknowledged by all. She came of a large and influential family with branches and properties in the counties of Devon, Somerset, and Dorset. Her father was Hugh Pyne of Currey Malet. He was a successful lawyer of Lincoln's Inn, who invested his savings in land, of which she became heiress. She inherited also a dominating personality and a clear conception of how to use it. She was of stronger metal than her husband. Pepys describes her as 'one that while she lived governed him and everything else as a minister of state', adding that Charles I 'put mighty trust and weight upon her'. Clarendon is still more condemnatory. He describes her, somewhat unjustly, as 'a woman of no good breeding', adding 'nihil muliebri praeter corpus gerens'.² He had reason, as we shall see later on, to abuse her as a mischief-maker; and he was equally justified in reproaching her with 'having many private designs of benefit and advantage for herself and her children'. It is undeniable that she and Edmund, like many other of their contemporaries, made the best use of their opportunities at Court and cast their nets widely enough to catch almost any form of benefit that might be profitable.

Edmund's first venture in these directions was con-

¹ Second surviving son of John and Joan Portman.

² 'Nothing of woman in her but her body': Clarendon, *History*, ii. 842.

nected with the law and miscarried owing to the disapproval of the judges. He had been brought up for the law, matriculating at Wadham College in 1619, and joining Lincoln's Inn in 1620. On this legal qualification, such as it was, he obtained, in 1625, a grant from Charles I appointing him to be a clerk to issue Writs of Error in the Courts of Exchequer and Common Pleas. It so happened that both Queen Elizabeth and James I had endeavoured to make similar appointments and had not succeeded owing to the oppositions of the Court protonotaries or recorders, and the judges. The fees of the former would have been reduced by the appointments, and the judges upheld that such posts should be filled by them. So also now, when the position of the Crown was no longer what it had been under Elizabeth, did the judges object. In a petition to the King they pointed out that the office in question had hitherto been in their gift, that it was already filled by an able clerk, and that they must decline to admit Mr. Wyndham to it notwithstanding his promotion by the King.¹ In spite of this rebuff, Edmund and Christabella returned to the charge in 1632, and for the second time procured a patent under the Great Seal erecting an office of Pleas upon Writ of Error in the Court of King's Bench. This time the Attorney-General intervened and 'made stay', although, as Edmund and Christabella affirmed in a petition they addressed to the King on the subject, they desired only 'what was lawfully grantable by Your Majesty in Your Royal Prerogative'. This, however, was just the very point that was doubtful.² Nevertheless, in the following year

¹ *Cal. S.P. Dom. Car. I*, i. 198.

² A note on a scrap of paper attached to the petition sets out the legal position as follows: By old Common Law it cannot be granted. For that which concerns Statute Law it is granted but not suffered by

Edmund was given the post for a period depending on the lives of three named persons. During his tenure of it the duties were performed by 'his sufficient deputy', who paid him £500 a year for the privilege.¹

In the meantime Edmund and Christabella had preferred another petition to be included amongst those who were authorized to search out the possessions of traitors and felons which had been forfeited to the Crown, and to receive for their trouble a reward of half the value, the object being to ensure a full discovery of such possessions. The same process was followed with leases terminable on the death of some named person, and with fines, rents, and heriots due to the Crown. The lessee or person liable for the heriot might evade his obligations and so be fair game for any one desiring to make something out of bringing his default to the notice of the proper authorities. Here again our petitioners were at first unsuccessful. But in 1635 such a grant was passed to two trustees for the benefit of Christabella and her children.² What income she derived from it is unknown. It must in any case have been uncertain and irregular. Edmund, however, in 1667, declared that it had been 'of considerable value'. At any rate, by 1635, Christabella had become well established at Court, for Queen Henrietta Maria had chosen her on the birth of her second daughter Elizabeth to be lady nurse to the infant Prince Charles, who was born on 29 May 1630. Thereafter she always expected to be addressed as the 'Lady Governess'.

That Christabella was a capable mother is shown by her upbringing of all her own six sons and four

the judges to be exercised. It is part of the Protonotary's place which is not in His Majesty's gift and so will destroy that place.

¹ S.P. 29/26, nos. 130-2.

² S.P. 16/14, no. 83; 16/293, no. 32; *H.M.C., 12th Report*, 92.

daughters, save one son, to maturity—a high percentage of family survival. She was equally successful with Charles, whose ‘likelihood, strength, mirth and nights rest’ increased daily under her ‘most careful and diligent’ attention.¹ He developed what Clarendon deprecated as ‘an extraordinary kindness for her’. And it was shared by the King, his father, who multiplied his smaller and larger benefactions. Among the smaller were a fat buck from Exmoor² and twenty yards of tissue for a gown. The latter Christabella asserted she never received in full, and she wrote to complain:³

‘Whereas His Majesty was graciously pleased to give me 20 yards of tissue for a gown, I received but eleven yards of it in kind, and for the other nine yards Mr. Miller the King’s mercer gave me and would give me no more than five yards of satin for every yard of tissue that I wanted. And for the ten ells of taffeta that I had for the lining of my gown it is not worth above eight shillings or 10s. an ell at the most.’

The King also personally baptized her third daughter, the Prince of Wales standing sponsor. In recognition of so signal an honour the poor child was named Charlotta Maria.⁴

Edmund naturally was the recipient of the larger and potentially more valuable royal dispensations; and he also profited in other ways from his close connexion with the Court. Thus, in 1629, when he emulated his great-great-uncle’s fracas with Edward Clere and struck a certain John Baker in Westminster Hall, the King intervened and instructed the Attorney-General to prepare a bill for his pardon. The incident did not affect

¹ *Cal. S.P. Dom. Car. I*, iv. 334. ² E. T. Rawle, *Annals of Exmore*.

³ S.P. 16/211, no. 75.

⁴ Add. MSS. 5524. Charlotta never married and died in 1721 in her 87th year. She is buried in Fivehead Church under the name of Caroline.

his position at Court, and after Christabella had become the royal nurse, Edmund, under regal patronage, was able to embark on a varied and speculative business career which was cut off only by the outbreak of the Civil War. Soap and beer were the first commodities in which he became interested. He was a member of the Company of Soapmakers erected by Charles I in 1632 to buy up a new patent for making soap and to manufacture 5,000 tons a year, paying £4 into the Exchequer on every ton sold. In order to protect the consumer the retail price was fixed at 3*d.* a lb., but the King undertook to prohibit the export of tallow and potash so that the company should obtain its raw materials cheaply. He further authorized the company to test all soap made by others and if necessary to forbid its sale. Thus the Company secured control over its rivals in a way that evaded the Act of 1624 against monopolies. Naturally all the independent soapmakers were up in arms and some of them combined to make a counter offer of £8 on every ton sold, with the result that they were taken into the monopoly and another new company was formed including them, and having the same exclusive control over all outsiders. Edmund secured the position of an Inspector of Soap in this new arrangement, that is to say, he was one of the officers who appointed and supervised the agents who carried out the actual inspections. In 1637, however, the independent soapmakers bought out him and the others who had formed the original company, for £43,000.¹ He thereupon retired from the soap business with what may have been some profit.² But three years

¹ The transaction took three years to complete owing to legal complications in which Edmund was one of the three persons representing the original company. S.P. 16/460, no. 43.

² Edmund's finances are discussed as fully as is possible in Chapter X.

later, his connexion with this affair was brought up against him in the Short Parliament, when the whole business was inquired into and condemned by a committee, and when Edmund was in consequence declared to be a delinquent and unfit to sit as a Member for Bridgwater.¹

Edmund's incursion into the beer trade was as much resented. In 1533 Parliament had passed an Act forbidding brewers to make their own barrels. Only the Company of Coopers were allowed to manufacture them in order that the public might be sure that they were of standard sizes. The brewers retorted by using the casks in which wine had been imported, and another Act was necessary in 1590 requiring all such casks to be measured and gauged by the Company of Coopers.² Then James I conceived the idea of raising revenue by subjecting the use of wine casks to a licence. The brewers naturally protested and an agreement was come to with them in 1620, by which they undertook to pay 4*d.* on every quarter of malt brewed for the royal household and to limit their price to 10*s.* a barrel, on condition that they were allowed the free use of wine casks. This arrangement was still in operation when, in 1637, Charles I revived the licence and, in accordance with the usual custom, farmed its collection out for £2,000 a year for twenty-one years. The farmers were Edmund and his close business associate Edward Savage. The brewers at once pointed out that they had only agreed to pay the 4*d.* on malt brewed for the royal household on the understanding that 'they should enjoy the benefit of uttering their beer in wine casks'. They further asserted that the licence fee would make the 10*s.* price uneconomic, especially 'at this time that

¹ *Journals of House of Commons*, ii. 71; iii. 259, 299.

² 23 Hen. VIII, cap. iv; 31 Eliz., cap. viii.

oats are so oppressively dear and the price of malt so high'. Impressed by these arguments, the Council appointed a committee to inquire into them, and Edmund and his fellow farmer were called upon to reply. There was indeed little that they could say. They could only assert that the contract for the supply of beer to the royal household would not be interfered with. But when asked how they would do this, they could only reply that 'if there shall be occasion they will give satisfaction therein'. The Council was naturally not satisfied with so vague an assurance and decided that the terms of the agreement of 1620 must be adhered to. Nevertheless, they saw no reason why the opportunity should not be taken to try and screw a little more out of the brewers without breach of the agreement. Edmund and Savage were accordingly authorized to re-examine the document to see if they could find a way. They failed. Hence in May 1639 their commission to licence the use of wine casks was withdrawn, and Edmund retired out of beer as he had out of soap.¹

Edmund's largest speculation was connected with the draining of the 'Great Level' of the Lincolnshire fens, an undertaking that appears to have been as attractive to him as it was to many others of his time. The area involved was not less than 300,000 acres, which in 1630 the Earl of Bedford had undertaken to drain on condition that 95,000 acres were allotted to him, of which 12,000 were to be set aside for the King. Seven years later the work was declared to be complete and the King's 12,000 acres became available for disposal.² They were at once leased to Edmund and Savage at a yearly rent of £4,300. Edmund, some years later, asserted that he had been thus favoured because

¹ P.C. 2/49, 50; S.P. 16/388, no. 21; *Cal. S.P. Dom. Car. I*, xi.

² Gardiner viii. 294-6.

of a 'special service I did [the King] in procuring him £60,000'. So large a sum, at a time when Charles's taxation expedients were exciting the growing resentment of his subjects, certainly deserved a substantial reward, hence the rent for the 12,000 acres, so Edmund declares, 'was at so easy a rate' that he and Savage could count on subletting at a net profit of over £1,000 a year.¹ And so at first it appeared that they could, for they sublet 10,000 acres at rents totalling £5,111. 19s. The remaining 2,000 acres they kept for themselves, putting them under the management of Richard Chubb and stocking them with cattle worth upwards of £2,000. Unhappily in actual practice the receipts never even sufficed to meet the outgoings apart from the rent of £4,300 which was never paid. The House of Lords held an inquiry into the default, and the report gives the following figures for the first two years:

	£	s.	d.
Rents received 1638-9	1,418	0	0
„ „ 1639-40	141	8	0
Produce of the 2,000 acres	56	5	6
Sundry other rents	98	0	0
	<hr/>		
	£1,713	13	6

The disbursements were:

Sundry works, including subdividing the land, making roads, building bridges and putting in gates ²	2,206	0	0
Loss on cattle through the overflowing of the waters in 1639-40	600	0	0
	<hr/>		
	£2,806	0	0

Thus the first two years' working resulted in a loss

¹ S.P. 29/26, no. 132.

² Ibid. Edmund declares that £4,000 were spent in preparing the and for tenants.

of £1,093 without reckoning the £8,600 arrears of rent. The failure was not wholly due to the bad judgement or management of Edmund and his associates. The item 'loss of cattle by reason of the overflowing of the waters' accounts for a great deal. The drainage works were ineffective and inadequate. They were not deep enough to prevent silting, while the withdrawal of the water caused the level of the fen to sink. Hence it tended to return to its original condition and so to render farming operations impossible. Edmund himself did not attribute the failure to these causes. He put it down entirely to the outbreak of the Civil War. But here the facts are clearly against him. The undertaking had completely foundered two years before the war began. He was equally unfortunate with 500 acres of fen land which he bought for £2,000 from the Earl of Lindsay, who carried out large drainage operations in Lincolnshire between 1635 and 1638.¹ Similarly a grant of certain marsh lands in Ireland brought him no profit.²

Not satisfied with the several financial interests we have described, Edmund also applied for and received in 1638 the right to search for all manner of metals and other minerals in the county of Flint, while Savage was granted a similar concession in Carnarvonshire.³ But the disturbed political conditions, to which we must now turn our attention, prevented them making any use of their rights and brought all their business operations to an end.

Englishmen living amongst the events that ended in the Civil War had to decide whether Charles's misgovernment, of which they had evidence enough, justified the constitutional developments demanded by

¹ S.P. 16/477, no. 35; 29/26, no. 132; C. N. Cole, *A Collection of Laws*, xxi; Sir W. Dugdale, *The History of Embanking*, pp. 110-12.

² *Nicholas Papers*, i. 45.

³ S.P. 16/326, no. 68.

Parliament, or whether the position of the Crown, as it had been established by the Tudors, should be maintained at all costs. In the first four years of his reign Charles faced them with the dilemma by his precipitate and unskilful dissolutions of his first three Parliaments—dissolutions which Clarendon looked back upon as the primary sources of the waters of bitterness that royalists had afterwards to swallow. The criticisms in these Parliaments had been aimed against Buckingham rather than against the Crown, and Edmund, who was a member for Minehead in the first and third Parliaments, played a part in them. He is on record as having made but one speech, in 1628, and that one was critical of the Duke. The subject under discussion was a proposal of John Dalbier, the Duke's principal military adviser, to bring over a thousand German mercenaries to assist Charles in fulfilling his obligations to the King of Denmark. London was alive with rumours concerning them. Edward Kirton, the member for Ilchester, declared that £30,000 were to be spent on them, and this at a time when the essential defences of the kingdom were being neglected. Another member asserted that they were being brought over only to force Buckingham's policy on the people. Sir John Maynard, the member for Calne, blamed Dalbier for the failure of the expedition against the island of Rhé and called him a 'stranger and a juggler' who was unfit to command. Edmund's contribution to the debate was less outspoken but not less critical of the German invasion. He said:

'There were yesterday twelve German commanders of those horse come to town and some of them in Paul's Church and those that procured them were Sir W. Balfour and Mr. Dalbier, and that two ships of England were enforced to bring over these horse to the loss of their own voyages elsewhere;

and that there be books of precedents come over where the manner of the Holland excise is repeated and recited.'

The last allusion was to a scheme to raise the money, which Parliament had refused to vote, by an excise.¹

That the parliamentary opposition was aimed primarily against Buckingham is shown by Kirton declaring later in the session—'The King is as good a prince as ever reigned. It is the enemies of the commonwealth that have prevailed with him.' In the Civil War Kirton became Treasurer of the King's army in the West. Maynard also was a royalist and, like Edmund, a member of the King's household. Neither he nor Edmund would attack the King. But they were under no obligation to the Duke. Moreover, Edmund's father-in-law was a bitter opponent of Buckingham. His 'hate towards ye Duke' was notorious and was shared by his son Arthur, who narrowly escaped prosecution for reiterating that it would never be well with England until means had been found to sever the Duke's head from his shoulders.² However, Buckingham's assassination did not mend matters. Charles denied that Parliament had any right to interfere with his choice of ministers or policies. Its members were there to give him information, not to question his actions, especially on foreign affairs, which were a sacred mystery not to be understood by them. Buckingham's assassination only made Charles still more obdurate, and he dissolved his third Parliament and imprisoned Sir John Eliot and William Strode for resisting his orders to that effect. His personal government thereafter still further strained the loyalty of his supporters, especially in the matter of ship-money.

To defend this imposition Charles relied on historical

¹ *Parliamentary History*, ii, col. 408.

² S.P. 16/66, no. 78.

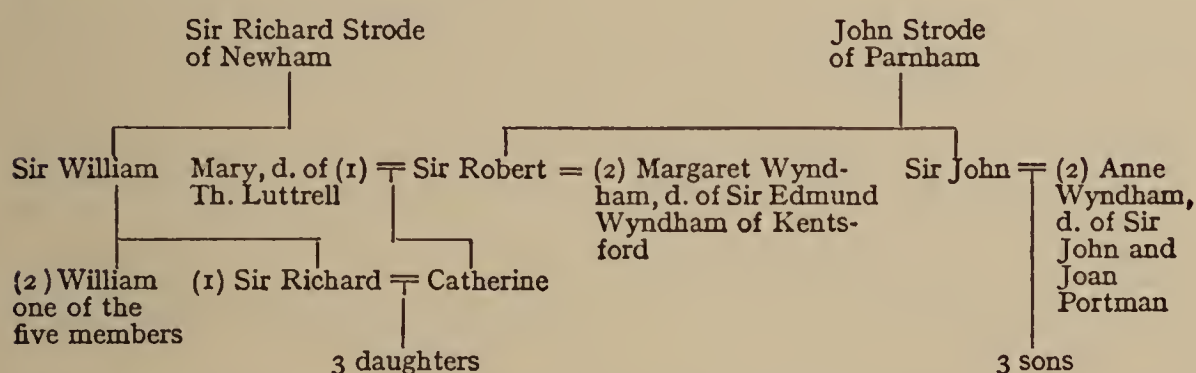
arguments and legal opinions that took no account of changed circumstances. Sir John Borough, in his book, *The Sovereignty of the Sea*, argued that the strength of British sovereigns had been built up on the claims that they had asserted and maintained until they were recognized. It was the diehard Tudor tradition on which was superimposed a legal axiom that the King was the sole judge of the circumstances in which the safety of the realm called for special measures. Charles declared such a situation existed now and issued the writs for ship-money to meet it. But even Sir Thomas Wyndham joined with his fellow Somerset magistrates in protesting against the first writ of 1626. It required Bristol to set out and furnish two ships, of which the counties of Gloucester and Somerset were condemned to pay a quarter of the cost. The magistrates pleaded that the county of Somerset had already heavily subscribed to forced loans and that Bristol could quite well afford to supply the ships unaided. Finally they raised a far more important point of principle by declaring that compliance would 'beget upon us and upon our posterity the performance of a charge which we nor our predecessors did never bear'. In reply they were curtly told that 'this being a public service the common defence is to be levied as heretofore'. They were also reminded that in 1596 two ships had been found for Sir Walter Raleigh's expedition against Cadiz on precisely the same terms. They were therefore required to take speedy steps to collect the money.¹ The second writs came out in October 1634 and August 1635. The former were again confined to the maritime counties, including, of course, Somerset. The opposition they attracted was concerned more with the basis of assessment than with any principle. Among the objectors

¹ *Acts of P.C. 1626-7*; S.P. 16/60, no. 32.

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were the parishes of St. Decuman's and Old Cleeve. The latter covered the whole country and evoked a greater outcry, especially in Devonshire, where the Sheriff reported that seizures and forced sales would probably be necessary to collect payment. In Somerset also there was more dissatisfaction.

The religious and social situations were equally threatening. Laud, who had been raised to the Archbishopric of Canterbury in 1633, was exciting a growing opposition by his forceful imposition of a church uniformity and discipline abhorrent to the rising tide of puritanism. Moreover, on this subject, and on the political issues, families were becoming dangerously divided. The Wyndhams were less disunited than some others, owing to the moderation of those who did not afterwards whole-heartedly support the King's cause. But they must have been affected by the disunity of other families, such as the Strodes, for example, some of whose connexions by marriage with them are shown in the following table:



The Strodes of Newham were strong parliamentarians. Those of Parnham were for the King. Moreover, their mutual relations had already been embittered by a furious and interminable family lawsuit which had begun after the death of Catherine, the wife of Sir Richard Strode of Newham, in 1608. She left only three infant daughters, and her father, so her bereaved husband complained, tried to divert the remainder-in-tail

of his properties, of which she had been the sole heiress and which had been settled on her when she married, away from her daughters to Sir John Strode, his younger brother who had three sons by Anne Wyndham, while reserving Parnham as a jointure for his own second wife, Margaret Wyndham. The quarrel dragged on until 1652, when Sir Richard found himself in the Fleet from debt contracted in consequence of it.¹ Another branch of the family, the Strodes of Shepton Mallet and of Barrington, afterwards closely connected with the Wyndhams of Dunraven,² were equally divided. Sir George was an uncompromising royalist, while his younger brother, another William Strode, of Barrington, was a strong opponent of ship-money and a prominent parliamentarian in the Civil War. There were divisions also among the Pynes, and two first-cousins of Christabella fought on opposite sides. Valentine Pyne became a noted royalist serving under Prince Rupert, while John Pyne fought against the King and became a Presbyterian elder.³

We have already mentioned the death-bed scene in February 1636 when Sir Thomas Wyndham charged his five living sons to be faithful to the Crown. A few years later one of them repeated to his wife his remembrance of what his father said. It is quoted below, and shows the influence of current events on Sir Thomas's mind:⁴

'Who, not long before his death; called unto him his five sons, (having not seen them together in some years before) and discoursed unto us of the loving peace and prosperity this kingdom had enjoyed under its three last glorious monarchs; of the many miseries and calamities which lay

¹ *Notes and Queries, Somerset and Dorset*, viii, Sir R. Strode's Almanac.

² See below, p. 308.

³ *Notes and Queries, Somerset and Dorset*, x. 83.

⁴ Boscobel Tracts, *Claustrum Regale*.

sore upon our ancestors by the several invasions and conquests of foreign nations, and likewise by intestine insurrections and rebellions. And notwithstanding the strange mutations and changes in England, he shewed how it pleased God in love to our nation to preserve an undoubted succession of Kings to sit on the regal throne. He mentioned the healing conjunction of the two houses of York and Lancaster, and the blessed union of the two Crowns of England and Scotland, stopping up those fountains of blood which, by the national feuds and quarrels kept open, had like to have drowned the whole island. He said he feared the beautiful garment of peace would shortly be torn in pieces through the neglect of magistrates, the general corruption of manners and the prevalence of puritanical faction, which, if not prevented, would undermine the very pillars of government. My sons! We have hitherto seen serene and quiet times; but now prepare yourselves for cloudy and troublesome. I command you to honour and obey your Sovereign, and in all times to adhere to the Crown; and though the Crown should hang upon a bush, I charge you forsake it not.'

This memorable discourse makes plain that to a man of Sir Thomas's upbringing and temperament the Crown, in spite of Charles's misgovernment, was the sheet anchor of security. How could he imagine it subservient to a Parliament dictating its policy? The idea threatened 'the beautiful garment of peace' woven by the Tudors and handed down by them to the Stuarts. The neglect of magistrates, the corruption of manners, and the rise of puritanical factions were the causes of the present discontents. Surrey's declaration at Bosworth—'Whoever wears the Crown I will fight for; nay were it placed upon a hedge stake, I should think it my duty to defend it'—was equally applicable now. Hence the command: 'Though the Crown should hang upon a bush, I charge you forsake it not.' All five

sons obeyed it to the full. Three of them, Charles, Hugh, and George, were killed fighting for the King,¹ although unfortunately no record remains of where or how they lost their lives. The other two, Edmund and Francis, survived the war and their actions in it are described in the next chapter. Furthermore, Edmund's eldest son Edmund fell at the battle of Edgehill.

Eight months after Sir Thomas's death the third writ of ship-money was issued, while the fourth followed more than two years later in January 1639. It so happened that Thomas Windham² of Felbrigge was High Sheriff of Norfolk for the year 1639-40. He was therefore responsible for collecting the money.

One of the difficulties in writing this book is the number of Johns, Edmunds, and Thomases with whom it has to cope. We shall do our best to distinguish between them. This particular Thomas was the second surviving son of John Wyndham and Joan Portman. He was a lawyer of Lincoln's Inn and was 'called' in 1610, three years after his cousin Edmund,³ who, it will be remembered, was put out of commons for striking a labourer. The incident seems to have set up a sort of vendetta, for soon afterwards Thomas was fined 20s. 'for striking a labourer on the works of the house with his fist'. He got into trouble again seven years later after a revel to celebrate the elevation of the future Charles I to the dignity of Prince of Wales. The festivity culminated in a 'fight at the barriers' between forty representatives of the Inns, of whom Thomas was one. He had been advanced £5 to make 'the necessary provisions for himself at the barriers', and, probably

¹ Lady Wyndham, their mother, is the authority for this statement. She brought the fact to the notice of Charles II when he arrived as a fugitive at Trent. See below, p. 247.

² The Norfolk Windhams henceforth so spelt their name.

³ See above, p. 148.

THOMAS OF FELBRIGGE

quite rightly, refused to refund the money. Thereupon, like Edmund, he was put out of commons. Nevertheless, he was more promising as a lawyer than was Edmund, who was 'no practizer'. Thomas 'was like to advance himself' in the law, and apparently left it with regret when his father removed him from London to establish him as the owner of Felbrigge, thus restoring the former division between the Somerset and Norfolk properties. His father had 'a special regard' for Felbrigge, 'because it was the ancient inheritance and seat of his ancestors'. He gave Thomas 'divers great sums of money' for the support of his family in Norfolk, for the Elizabethan house, for the purchase of land, and for 'building a brick wall about his park'.¹ In his will he left Thomas £200, 'for the finishing the park walls at Felbrigge', and all his goods there. In December 1620 Thomas married Elizabeth, daughter of Sir Rowland Lytton of Knebworth. By her he had but one son, John, born on 15 March 1622. He married secondly in 1633 Elizabeth, daughter of Sir John Mede of Lofts Hall in Essex, and with her was bringing up a family of four sons and two daughters when he was called upon to collect ship-money in Norfolk.

The task was not easy. Take, for example, the sworn declaration of the constable of the village of Sall. On the previous Saturday he had handed a warrant to Mr. Roger Howmans, who had been assessed at 15s. Whereupon Howmans, 'being much moved', asked him 'if the Devil had sent him to him for the said shipping-money'. To this sally the constable replied with dignity 'that he received no warrant from any such'. 'I think verily the Devil sent you to me', retorted Howmans, and he 'iterated the same passionate words several

¹ Chancery Proceedings before 1714, Whittington, 834/26.

times, saying he was not yet resolved whether he would pay or not'.¹

The Council blamed the Sheriffs for the bad returns, and in 1640 Thomas received a menacing letter under the King's sign manual and signet calling for payment without further delay: 'And this upon your peril of incurring the uttermost of such forfeitures and punishments as by the laws of the realm may be inflicted.' Such threats, of course, were beside the point; and in reply Thomas wrote two letters explaining his difficulties. The first reported that notwithstanding the most diligent and faithful endeavours only £1,100 out of the total of £7,800 demanded from Norfolk had been collected 'with inexpressible difficulty' and by forced sales at which there were few buyers. Nor could he see any chance of the position improving because of the 'general damp of industry and commerce with a despicable ebb and depression of the price of commodities'. He appealed, therefore, for an extension of time, while promising to do his best to 'clear the service of that scandal and murmur in this county which, by the payment of some only and those the most tractable, would lie upon it'. In his second letter he reverted to the same point of the inequality of collections. Some constables 'had laboured diligently' and brought in a good part of the money chargeable on their hundreds. Others were 'so abounding in their remissness and obstinacy' that they had done little or nothing. He could not commit them for their default, for if he did there would be no one available to attend to their other duties, 'especially in matters of arms at this present'. Moreover, if he did, many of the inhabitants would become even more 'conceitedly obdurate'. He asked the Council's advice how to proceed against delin-

¹ S.P. 16/455, no. 9.

quents 'that so the tractable subject who hath paid his assessment may not be deeper contributory than the obstinate'. A similar report was sent in by the High Sheriff of Somerset. To both the Privy Council sent the same uncompromising reply: 'We must let you know we cannot understand that this difficulty [the absence of buyers at forced sales] is alleged by you otherwise than an excuse and can be no hindrance if you offer the distresses at rates that are reasonable and cheap. Neither are you to expect other directions from us but to proceed in the execution of His Majesty's writs . . . without further loss of time.' Thomas must have been relieved when his year as High Sheriff came to an end. No doubt his experiences in the office contributed towards his subsequent support of the parliamentary cause.¹

While Thomas was thus grappling with ship-money, Edmund in February 1639 received a command from the Lord Lieutenant of Somerset ordering him to be in York on 1 April—'with a horse and russet arms with gilded nails or studs after the fashion of a cuirassier for yourself, and white arms as an arquebusier for your servant or servants, there to do such duties as may be expected of you'.² This summons was for the first 'Bishops' War' in which Charles attempted to impose a Laudian ecclesiastical conformity on the Scottish Presbyterians, who, backed by the Covenant, were resisting under arms. Edmund responded by taking with him to York at his own charges eight horses well armed.³ But Charles's army when it assembled was not of a quality to justify him risking serious operations, and Edmund was able to return to Somerset after the signing of the Treaty of Berwick in June. While in

¹ Ibid. 36; 16/456, no. 4; *P.C.* 2/52, p. 619.

² *S.P.* 16/412, no. 21.

³ *S.P.* 29/26, no. 132.

the north he had corresponded with Brian Duppa, Bishop of Chichester and tutor to the Prince of Wales, and in September received a letter from him written from Richmond giving the latest news from Scotland, and adding :¹

‘The Prince (as he hath great reason) very affectionately remembers his nurse. He hastens apace out of his childhood and is likely to be a man betimes, and an excellent man if my presage deceives me not, and flattery and humouring of him (the bane of Princes) do not spoil him. But I will hope ye best and do my best as long as I am here.’

Plans for the Prince’s education, however, were soon upset by the Civil War.

¹ S.P. 16/428, no. 104.

IX

THE CIVIL WAR

THE King's prospects in Somerset at the outbreak of the Civil War were not promising. In the eastern half of the county the supporters of Parliament, including Colonel Pyne, Christabella's first cousin, and William Strode of Barrington, lost no time in putting into force the parliamentary ordinance assuming control over the militia. In order to counteract their zeal the King sent William Seymour, Marquis of Hertford and Lord Lieutenant of the county, to raise troops for his cause by Commissions of Array. Edmund Wyndham was one of those who went with Hertford, and they arrived at Wells on 1 August. They soon collected five hundred or so 'excellent good horse very well armed', including a troop raised at his own cost by Sir Ralph Hopton. A typical scene soon afterwards occurred at Shepton Mallet, whither Hopton went on 7 August to proclaim the King's Commission. While he was reading it, William Strode aimed a ready cocked pistol at him and would have shot him had not a Mr. White snatched the weapon away. Strode was at once arrested and handed over to the constable as a prisoner. But he regained his freedom soon afterwards, for the parliamentary levies threatened Wells in such large numbers that Hertford was obliged to retire to Sherborne. There he heard that Taunton and Dunster were declaring for Parliament. Taunton was being led in that direction by Sir William Portman, Joan Wyndham's nephew. Dunster Castle was in the hands of Thomas Luttrell, whose wife Jane was a daughter of Sir Francis Popham of Littlecote and a strong-minded

parliamentarian. Accordingly Hertford hurried to Minehead, and, after being refused entrance to Dunster, crossed over the Bristol Channel to Wales, taking volunteers and equipment with him. Meanwhile Hopton retreated into Cornwall and raised a force that turned the tide in Somerset in the King's favour. Advancing through Devonshire in 1643, he rejoined Hertford at Chard on 4 June, and so concentrated a force of 2,300 horse, 4,000 foot, and 15 guns. On the following day they marched against Taunton. It surrendered without a blow; as also did Bridgwater and Dunster Castle. This last bloodless victory was due to the adroitness of Francis Wyndham, Edmund's brother, afterwards Sir Francis Wyndham of Trent,¹ who had hitherto served in the horse under Lord Wilmot. Despite the opposition of Mrs. Luttrell, he persuaded Thomas not only to follow the examples of Taunton and Bridgwater, but in addition to pay a fine of £1,000 towards the King's cause. Francis was fittingly appointed Governor of the Castle. Edmund in the previous November had been pricked by the King as High Sheriff of Somerset. He was now given the governorship of Bridgwater.

These royalist successes in the west soon attracted a counter-offensive by the Earl of Essex, in command of the parliamentary army. In the summer of 1644 he embarked on a spectacular march through the western counties into Cornwall, a manœuvre that collapsed in his defeat at Lostwithiel in August. Nevertheless, his march was not entirely fruitless, for in passing through Dorset he was able to raise the royalist siege of Lyme, where Robert Blake, who had not yet begun his more famous naval career and who had been Edmund's colleague as member of Parliament for Bridgwater in

¹ See Genealogy III.

1640, had been blockaded by Prince Maurice. Blake at once seized the opportunity of his freedom to attack Taunton; and he recovered it for Parliament on 9 July. It was never again to become the King's; and the loss to him was serious, for otherwise he was in complete control of Somerset. Naturally its recapture became a prime objective of local royalist policy and, when Charles himself was in Exeter in September, he decided to blockade and if possible to take it. At first it was proposed to give this important command to Sir Francis Doddington, but he could not be spared from other work. Edmund therefore was appointed to it in addition to his governorship of Bridgwater. At the same time Sir Edward Rodney with his regiment of foot and Francis Wyndham from Dunster were ordered to assist him.¹

Edmund made Bridgwater his head-quarters, an unsatisfactory arrangement so far as Taunton was concerned, for the two were ten miles apart. His excuse was that unless Lyme were again blockaded, his position at Taunton might be threatened from it. Hence he thought it 'fitter to block up the town at a distance' and to draw in closer only after Lyme had been secured. He asked when this could be done, and urged that he should be reinforced and thus not have to draw on his garrison at Bridgwater for the sake of Taunton. A second letter, written soon afterwards to Lord Digby, acknowledged that Sir Edward Rodney had been ordered to join him. On the other hand, Francis was unable to give him any help until 'he could recruit his regiment by impressing three hundred men in the western division of the county'—a difficult undertaking. Edmund's own command also was 'much shattered and almost wasted to nothing'. Nevertheless,

¹ Walker, *Historical Discourses*, 87-8, 95.

he hoped to render it once again 'a gallant regiment'; although he was justly pessimistic about raising more troops in Somerset, especially as their pay was never mentioned. Altogether he feared he would be in an 'ill-condition' owing to delays and other obstacles; and he suggested that some brass guns from Exeter should be sent to him, as well as a culverin, a demi-culverin, and two sakers.¹

How many men Edmund had under him for the blockade is uncertain. It is said to have been '3,000 besides others from Devon'.² But this must be an exaggeration. In any case such estimates are of little value. He himself says that he had only 'a small force', no stronger in infantry than the garrison in Taunton, and therefore incapable of coping unaided with any considerable relieving expedition. Nevertheless, he succeeded after three attacks in capturing the town and driving the defenders back into the castle. He then summoned Blake to surrender, threatening that if he refused he must 'expect such extremity as in order to the business for which I am here I shall cause to be put in execution'. But Blake was not easily moved. His reply was emphatic:

'As we neither fear your menaces nor accept your proffers, so we wish you for time to come to desist from all overtures of the like nature unto us, who are resolved to the last drop of our blood to maintain the quarrel we have undertaken.'

Then the whole situation was changed by a relieving column getting through without Edmund offering it any resistance. His failure to oppose it, according to a letter of explanation he wrote to Prince Rupert, arose from the inaccuracy of his information of its strength.

¹ Add. MSS. 15750, ff. 24 and 26.

² *Somerset Archaeological and Natural History Society*, xxv. 33-48, 'The Siege and Defence of Taunton', by Emanuel Green.

He relied on two reports, one from Sir John Berkeley and the other from Colonel Bamfield, who was at Chard, that it consisted of about 3,000 horse and foot. He considered he was too weak to tackle so large a force unaided, and at the same time beat off a possible sortie from Taunton. He called on Bamfield and on Sir Lewis Dives, who was at Sherborne and in command in Dorsetshire, to come to his support. But they failed to respond. Thereupon he allowed the relieving force to come within two miles of him on 13 December and then withdrew, 'without the loss of a man' and with all his 'guns and carriages', towards Bridgwater. As a matter of fact the relieving force was not larger than 1,200. It is, of course, impossible to say whether Edmund would have fought it had he known its real strength. One can only surmise that he would have, for he asserts that the castle could have held out only for another five days, and that when the garrison came out to follow him as he withdrew, they were so weak from hunger that they could do nothing but search for bread.¹ If such was their true condition, a sortie by them was not a serious menace and Edmund might have concentrated nearly all his attention on the relieving column. Moreover, he was joined by Colonel Bamfield on the 14th, and on the same day he received promises of support from Sir Lewis Dives and Sir Francis Hawley. His retirement on the 13th was therefore all the more regrettable and, we may add, typical of the dissensions and lack of co-ordination among the royalist commanders.

So soon as the reinforcements had joined him Edmund was once more full of confidence—'I believe so united we shall be able to face the enemy and I hope beat him out of the country', he wrote to Rupert. But

¹ The original letter is lost, but there are numerous copies.

the failure before Taunton could hardly be overlooked and the King, 'in order to compose the disorders' of which it was a symptom, sent down Lord Hopton to be Field-Marshal of the west.¹ No better appointment could well be imagined, nor one more likely to advance the King's cause. And yet it aroused Edmund's vehement protests. Writing on 6 January 1645, again to Prince Rupert and from Chard,² he went so far as to describe himself as having been 'absolute master of the field' and 'resolved to attack the enemy in his headquarters at Taunton'. He then proceeds:

'But since his Lordship's coming our strength is so diminished that we must retreat, and the enemy grown so bold that he makes out quarters at a large distance from the town and possesseth himself of the best part of the country. His Majesty did sufficiently understand me before he went out of this town, that I would not serve under my Lord Hopton, who had disoblged me. And therefore it seems strange to me that His Majesty, unless he had a mind to disturb his own business, that he should thrust his lordship upon me, to out me of all command, when I was in the field with 4,000 men to oppose the enemy, . . . without any signification of His Majesty's pleasure or civil respect done to me. Yet I have been so far from taking any notice of this, more than in private discourse, that I have proffered to consent to anything that may advance His Majesty's service as shall be agreed upon by a council of war. . . . I am resolved that I will go into my garrison [Bridgwater] that I may, in despite of those that strive to ruin the King's business, preserve for him what I am able. And if His Majesty will assign me the absolute command of my own town and the hundreds belonging thereto, I doubt not but to be able to give him a better account of my endeavours for his service than all those vast undertakers shall be able to do.'

In the end that is very much what was done. Edmund

¹ Clarendon, ii. 829-30.

² Add. MSS. 18982, fol. 3b.

remained at Bridgwater, and the King allowed himself to be persuaded to consent to Lord Goring commanding against Taunton. He then withdrew Hopton to Bristol so as to avoid disputes between them. Thus the command was once more divided and the King's cause prejudiced thereby, for Edmund was no more willing to co-operate with Goring than with Hopton.¹ Nor was Goring comparable to Hopton as a commander.

Meanwhile a decision had been come to to send the Prince of Wales into the west in the hope that his presence would help to restore the situation. He arrived in Bristol on 6 March, and on 23 April went to Bridgwater to meet commissioners from the counties of Dorset, Somerset, Devon, and Cornwall. Four commissioners attended from each, one of those representing Somerset being Hugh Wyndham, Edmund's son, who was but twenty-one years of age. They met with the Prince's regular Council, which included Sir Edward Hyde, afterwards Earl of Clarendon. It was during their deliberations at Bridgwater that Clarendon became so incensed against Christabella. He declares that the Prince, now in his sixteenth year and little conversant with business, had been persuaded to sit frequently in Council and to attend to its business. But so soon as he came to Bridgwater, he fell under her influence and 'was not only diverted by her folly and petulancy from applying himself to the serious consideration of his business, but was accustomed to hear her speak negligently and scornfully of the Council', amongst whose members she did her best 'to raise jealousies and dislikes'. At the same time she 'kindled such a faction in the Prince's family, as produced many inconveniences'. Moreover, 'upon all occasions in company and when the concourse of the people was

¹ *Cal. S.P. Dom. Car. I*, xx. 511-12.

greatest', she 'used great boldness towards the Prince' and even spoke negligently and disdainfully of the King.¹ She encouraged Edmund to act independently, as, for example, on the occasion when he is reported to have hung a townsman on the sign of the George Inn for worshipping in the Presbyterian way.² Her mischief-making, so Clarendon declares, necessitated the removal of Prince Charles from Bridgwater after he had been there eight days.

He went to Bristol, but was forced by the sickness that infested it to move to Barnstaple, where he arrived in June. While he was there another incident occurred that widened still more the breach between the Wyndhams and Hyde. A certain young man of no character, who had been forbidden to frequent the society of the Prince, threatened in revenge to prove that Hugh, who was still a Somerset Commissioner on the Prince's Council, had spoken ill of the King and had even talked of cutting his throat. A solemn inquiry was held at Hugh's request into this monstrous suggestion, with the result that it was resolved that as the Prince could not be too strict in 'a business of so tender a nature', Hugh should forbear to come near him till the matter had been reported to the King.³ Hence Hugh was obliged to withdraw from the Council and to return to Bridgwater, where he arrived in time to play a part in its surrender to Fairfax and Cromwell after a siege lasting only a week. Its incapacity to hold out longer was another blot on Edmund's military reputation and was made the most of by Clarendon, although in the circumstances it was more excusable than was the failure to interfere with the relief of Taunton.

The town is divided into eastern and western halves

¹ Clarendon, ii. 841-2.

² Oldmixon, ii. 286.

³ Clarendon (Macray ed.), ix. 53.

by the river Parrett running north and south. The eastern half, known as Eastover, was considered easy to defend because the ground was so level that 'not a clod . . . could afford any advantage against the place'. Moreover, Edmund claimed to have spent £1,200, borrowed by express command of the Prince, on additional defensive works in this area. He says that he raised the money from Sir John Wyndham of Orchard, which probably means that it was his share of the £4,000 plundered by Francis Wyndham from Orchard in 1644.¹ The western half of the town was equally difficult to attack, containing as it did the castle and a battery. The defences as a whole were formidable, including forty guns mounted on the walls, which were fifteen feet thick in most places, and a ditch thirty feet wide, which for the greater part of the circuit of the town was filled to the brim at every tide. The garrison numbered about 1,800. There were among the besieged, besides Edmund and Christabella and their son Hugh, their business partner Sir Edward Savage, and Tom Elliot, a Groom of the Chamber, who later married their daughter Elizabeth. He was a protégé of Christabella's and was alluded to as her 'friend' or her 'darling'. He was as obnoxious to Clarendon as she was. The King also regarded him with some aversion and deprecated his influence over the Prince while they were together at Oxford. When the Prince went into the west, they were separated by Elliot being sent into France. But he returned thence in time to be besieged in Bridgwater.²

The besieging force delayed a few days before starting

¹ See below, p. 211. *Cal. S.P. Dom. Car. II*, iii. 199; S.P. 29/26, no. 132. In another document Edmund declares that the £1,200 were used to furnish Prince Maurice in his siege of Lyme. But this siege was raised a year before the Prince of Wales came to Somerset.

² Clarendon, iii. 426-7; Oldmixon, ii. 200.

active operations. From July 11 to 13 the army rested; and on the 12th Fairfax went out to view the defences. He was seen from the walls, and Christabella took the opportunity to shoot off a gun at him and afterwards to send out a trumpeter to tell him that if he were a courtier he would return the compliment. The bullet hit no one, but was 'taken up warm' close by Fairfax, whose narrow escape was later recorded as one of the special providences for which the parliamentary army had to be thankful.¹ On Monday 14 July a council was held to decide whether the place should be taken by storm or be blockaded. The General favoured an assault and preparations were made for it, but were abandoned owing to the unexpected depth of the ditch. Thereupon another council was held on the 15th, and it was decided to spend the next three days digging some entrenchments. So soon as they were completed the order was issued to storm on Monday the 21st at dawn. The plan of attack involved Major-General Massey making 'a great alarm' on the south-west side, while the main attack was delivered on Eastover from the north. Before the action began Fairfax sent a summons to Edmund to surrender. He refused curtly and Christabella with her own hand 'shot off a great gun' in reply to it.² Nevertheless, the defence was sadly ineffective. It crumbled almost immediately and the whole of Eastover was occupied, six hundred of the garrison being taken prisoners. On the morning of the 22nd Fairfax sent a second summons. It was again rejected, Christabella laying her hand on her bosom in a gesture expressive of her having nursed Prince Charles and saying, 'Tell the

¹ E 261 (7), 'Mr. Peters' Report'. The story later was amplified by making the bullet kill an officer who was talking to Oliver Cromwell.

² E 293 (32), 'Great Victories'.

THE CIVIL WAR

General we will hold it out to the last.’¹ Brave as the words were, they were of little avail. At two in the afternoon Fairfax sent a trumpeter with an offer to allow the women and children to come out before four o’clock; and Christabella, whom the attackers regarded as ‘one too guilty of the misery of that place’,² and about 800 others left. As soon as they had gone the assault was opened by firing red-hot shot. The garrison also set the town alight, saying that Christabella had ordered them to do so when there was no longer any hope of holding out.

In these circumstances Edmund sent Tom Elliot out to ask for terms. The most Fairfax would concede was that all should have quarter for their lives, that the soldiers should march out without being stripped of their clothes, that the townsmen should not be plundered, and that the gentlemen and others should be left to the disposal of Parliament. The next morning the garrison surrendered, and Edmund rode out of the Civil War a prisoner, having nothing with him but the clothes on his back.³

Clarendon is very critical of him for this fiasco:

‘It was in truth a matter of amazement to all men, nor was it any excuse, that it was not of strength enough against so strong an army; for it was so strongly situated, and it might well have had all those additions which were necessary, by fortifications, that it was inexcusable in a Governor, (who had enjoyed that charge above three years, with all allowances that he had himself desired, and often assured the King, “that it was not to be taken,”) that it did not resist any the greatest strength that could come before it for one week;

¹ Rushworth, *Historical Collections*, v. 533.

² E 293 (34), ‘A Fuller Relation’.

³ *Somerset Archaeological and Natural History Society*, xxiii. 12–25; Emanuel Green, *The Siege of Bridgwater*; Oldmixon, *History*, ii. 286–8.

and within less than that time, it was surrendered, and put into Fairfax's hands.'

This is hard on Edmund. The town was not surrendered before almost the whole of it was in flames. Moreover, the King's cause was now in so rapid a decline that the garrison had no heart in the defence, while the townspeople clamoured to be relieved of the destructive fire of the besiegers.

The surrender gave the Parliament a complete chain of fortified towns across Somerset—Lyme, Taunton, Langport, and Bridgwater—and left Dunster as the only place held for the King in the county. Francis, therefore, had every reason to expect a siege. But it was not until November 1645 that he was surrounded by a force under Blake, for Dunster was isolated and had not the strategic importance of Bridgwater.

The weakest link in the castle's defences was the water-supply. On 20 November Francis was obliged to report to Goring, now commanding for the King in Devon, that he could hold out for another three weeks at the most only because his water had been replenished by some late rains. Nevertheless, he sent curt refusals to Blake's summons to surrender after a relieving force of foot sent by Goring had been dispersed. Meanwhile the besiegers had been mining the walls in three places, but with the full knowledge of the garrison, who countermined so successfully that only one mine did any damage when it was sprung on 3 January. It destroyed a part of the wall, but at a place that was too steep to assault, although the breach added to the burdens of the garrison by necessitating a double guard. Another force, sent from Exeter on 8 January, again failed to penetrate Blake's dispositions; and after he had been reinforced by 1,500 horse, whom he used to guard the Exeter road, any chance

of relief seemed hopeless. Then providentially on 5 February a party of 1,500 horse and 300 foot, under the command of Colonel Finch, got through and delivered to the garrison 4 barrels of powder, 30 cows, and 50 sheep.

It was about this time that Francis became involved in the war of pamphlets which were pouring out like a flood while the war of arms was proceeding. A certain Captain Francis Freeman, who by profession was a tanner in Marlborough where he also had a business in timber, and who developed, during the Civil War, 'abilities in the exercise of a Foot Company', took upon himself to address a letter to Francis.¹ It contained eight questions for Cavaliers, which Freeman proceeded to answer to his own satisfaction. Having made Francis say that he was a gentleman and a soldier, fighting for the Protestant religion and for the King, he asked—did the King stand to maintain the true Protestant religion, the laws and liberties of his subjects and the privileges of Parliament? The reply, of course, was 'Yes'. Then followed the inevitable retort that in that case he should be with his Parliament which he ought to join in establishing the laws; instead of consorting with papists and fawning bishops, turning the communion table altarwise, tolerating sports and pastimes on the Sabbath, giving out monopolies, attempting to arrest the five members, and so on, interspersed with liberal quotations from the Bible. At first Francis took no notice of this question-begging polemic. He dismissed it as 'a weightless manuscript'.

¹ E 343 (6), 'Problems Propounded to Cavaliers'. Freeman valued his business at £1,000 and upwards, in addition to a well-furnished house in Marlborough and 23 acres 'of very good corn'. He lost all in the war, except the 23 acres. In 1649 he was in prison for debt in Scolding-Alley in Poultry. 190 G 12 (8), 'The Humble Petition and Remonstrance of Captain Francis Freeman of Marlborough'.

But finding from the remarks shouted over the walls that his silence was taken as proving that its arguments were unanswerable, he issued a reply, ridiculing it and making an equally question-begging defence of the King's actions. Charles, he declared, had never gone about to alter law or religion, to infringe any one's privileges, or to debar the least just claim to immunities. He had endeavoured only to preserve his own legal authority, to defend his loyal subjects, and to rule according to the laws of the kingdom. Then followed the final thrust: 'And yet because ye might not have your own way to innovate, to turn upside down all things in Church and State, you must needs rebel.' Freeman, in closing the correspondence which he afterwards published as a pamphlet, retorted that this was 'a most lamentable frothy piece of nonsense' composed, not by Francis, but by 'two malignant priests of Baal' who happened to be in Dunster Castle. No doubt they wrote it. Francis was no author. But it represented adequately the religious and political opinions that he and Edmund had inherited from their father.

The siege operations were not, of course, interrupted by these exchanges and the position of the garrison became daily more desperate. By April 1646 it was barely able to man more than the keep; and hearing that Exeter had surrendered on 9 April and that Barnstaple was preparing to do the same, on 16 April Francis asked to be allowed to send to Barnstaple for confirmation of the news, adding that if it were true, he would capitulate. Blake happened to be away on that day, and Captain Burrridge, who was in command, answered 'that he would not by any false way of smooth language goe about to begge their castle', and offered himself as hostage, if the garrison would give one of equal rank while their emissary went to Barn-

staple. No reply was sent until the next day, when Francis again repeated the request. Burr ridge then suggested that they should wait until Blake returned. He arrived about noon with Major-General Skippon's regiment and his own. Drawing them up in two bodies he sent a summons to surrender. In reply Francis asked for a parley, and on the 19th agreed to the following terms:

1. That the Castle, together with the arms, ammunition and other furniture of war (except what is hereunder excepted), be delivered up into the hands of Colonel Blake to the use of the King and Parliament.

2. That all Commissioners and Officers in the Castle shall march away with horses and arms and all other necessary accoutrements appertaining.

3. That common officers and soldiers, both horse and foot, shall march away with their arms and either horse or foot soldiers shall have three charges of powder and bullet, with three yards of match, for those that have matchlocks, together with colours and drums.

4. That Colonel Wyndham shall carry with him all that is properly his, and that which doth properly belong to the Lady Wyndham shall be sent to her.

5. That all officers and soldiers with all particular persons of the castle shall march forth secure, as many as will, to Oxford without delay, and those who are otherwise minded shall lay down their arms and have Letpasses to their homes, or to any other places they shall desire with protection against the violence of the soldiers.

6. That prisoners to either party be released.

7. That the said Colonel Wyndham and his soldiers march to Oxford in twelve days.

Thus Dunster fell after a siege lasting about a hundred and sixty days.¹ The terms were honourable to both sides. By waiting a few days and continuing the siege,

¹ Maxwell-Lyte, *A History of Dunster*, i. 87-94.

Blake could have secured an unconditional surrender. He was content to forgo it; and Francis marched out with his arms and with twelve days in which to reach Oxford, where the King was. He arrived there a day or two after Charles had ridden out of it for the last time, disguised as John Ashburnham's servant, with his hair cut after the Roundhead fashion and a port-manteau behind him.

The fourth article of surrender caused some trouble. Elizabeth, Lady Wyndham, Francis's mother, was with him through the siege and after the capitulation was given a pass by Fairfax allowing her to go to Kentsford.¹ She appears to have put a rather wide construction on the permit to take 'that which doth properly belong to her' away from Dunster, and she was accused by Jane Luttrell of having included 'certain yards of arras hangings, divers stools and chairs' and other items of Luttrell property. Jane sued her and she was condemned to pay £20 damages. Having paid the sum, Elizabeth then declined to part with the hangings, claiming that in common law she was now entitled to retain them. Hence another lawsuit, Jane now enlarging the alleged damages to £1,500.² On the whole it seems clear that the hangings were wrongfully removed, but that any further losses suffered by the Luttrells were the fair wear and tear of a prolonged siege.

So far our account of the Civil War has been confined to the Wyndhams of Kentsford. We must now turn to the Wyndhams of Orchard and Felbrigge. There is in fact very little to record about them. Sir John Wyndham of Orchard, the husband of Joan Portman, was about eighty-three when the King raised

¹ S.P. 23/199, no. 106.

² Chancery Proceedings before 1714, 397/190.

his standard at Nottingham. He was, therefore, too old to play any part, and he died on 1 April 1645. His sympathies appear to have been with the Parliament, as were those of Sir William Portman, his nephew. The assumption is borne out by a foray that Francis Wyndham conducted from Dunster in June 1644 against Orchard Wyndham and which ended in his seizing about £4,000 worth of plunder for the royalist cause.¹ This episode of family warfare, of which curiously enough no local tradition has survived although historically it is undeniable, was for some time afterwards alluded to as 'the time when the souldiers came hither to plunder'. Indirectly also it was the cause of a somewhat bitter lawsuit between members of the Orchard Wyndham family. Sir John, three months after it happened, gave his eighth and ninth sons, Hugh (later Sir Hugh Wyndham of Silton) and Wadham, both lawyers and afterwards judges, who were staying at Orchard at the time, £4,000 each, presumably for safe keeping. Hence the lawsuit, one side contending that the money had been handed over absolutely, the other that it was to be held in trust for Sir John's direct heirs through his eldest surviving son. The former allegation was supported by the fact that Sir John left Hugh and Wadham no money in his will,² although

¹ *H.M.C., 4th Report, Earl de la Ware*, 296.

² Chancery Proceedings before 1714, Whittington, 834/26. Sir John's cash legacies amounted to over £7,700, including £5,500 divided between four granddaughters and £2,000 between two grandsons. It would appear, therefore, that his personalty alone must have been worth about £20,000, including the £4,000 looted and the £8,000 given to Hugh and Wadham. The will contains the words—'To my sons Hugh and Wadham'—followed by a blank. In the lawsuit, evidence was adduced to prove that after executing his will he had 'by marginal notes declared that the intended legacies were otherwise paid'. No such marginal note is to be found on the will in Somerset House (P.C.C. Twisse, 23).

Wadham inherited the reversion of lands in Ilton near Ilchester that had come into the family through his grandmother Florence Wadham.¹

Neither Hugh nor Wadham fought on either side in the war, but both were royalist in sympathy; and Wadham was accused by Parliament of delinquency.² Sir John's second son John³ also took no part, and although he was assessed for a contribution of £1,600 by the Committee for the Advance of Money, he was not called on to pay. He was a student, leaving a library of books long since scattered. Moreover, his health was bad. He was 'sick about twenty miles distant' when Orchard Wyndham was looted and when the £8,000 were handed over to Hugh and Wadham. He died in 1649 leaving as his widow Katherine, daughter of Robert Hopton of Witham in Somerset and a sister of Lord Hopton, the royalist commander. She it was who started the lawsuit on behalf of her sons William and Thomas.⁴ Sir John's third son was the Thomas Windham to whom he left Felbrigge and whom we have already met attempting to collect ship-money in Norfolk. He appears never to have wavered in his allegiance to the Parliament. He was one of the Norfolk Commissioners for raising money for it in 1643, and along with other magistrates joined in persuading his neighbours to take the 'Solemn League and Covenant' as ordained by it in the same year for all men over eighteen years of age.⁵ The fourth son Francis was a Gentleman Pensioner at the Court of

¹ See Wadham's will, P.C.C. Coke, 2.

² See below, p. 221-2.

³ The eldest son Henry died in 1613, aged thirty, having graduated at Oxford and begun a career at the Bar.

⁴ See Genealogy II.

⁵ Oldmixon, *History*, ii. 224; H.M.C., 10th Report, Part IV, *Miss Boycott's MSS.*, p. 220. Thomas also served on the Committee for Compounding in Norfolk. Mason, *History of Norfolk*, 315.

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Charles¹ I and was knighted, but died in 1641. The fifth son George took his degree at Oxford and then *militiae amore incitatus*² lost his life in 1624 while serving in Holland in the English contingent under Sir Edward Cecil attached to the army of Prince Maurice.³ Sir John's sixth son, another George, was also a Gentleman Pensioner. He accompanied the King to Scotland for the coronation at Edinburgh and was knighted shortly before it. He went with the King to York for the Bishops' War, but, being taken ill, was obliged to withdraw to Orchard. He returned to London after the outbreak of the Civil War and found that his goods had been sequestrated by Parliament. He had some time previously married Anne Godfrey, the widow of James Underwood of Bixley in Norfolk, through whom he inherited the manor of Ufford near Cromer. Thus he became the ancestor of the Wyndhams of Cromer, whom we shall meet again, and had 'a small estate in Norfolk' to which he was able to retire. There he lived, according to his own account, 'doing his utmost for the royal advantage'.⁴ On the other hand, he was a commissioner for raising assessments under Fairfax in 1644.⁵ Sir John's seventh son Humphrey married the daughter of Sir John Cairn of Ewanny in Glamorgan, and, after purchasing Dunraven Castle from the Vaughans, became the progenitor of the Wyndhams of Dunraven. He is not mentioned at all during the war.

The impression left by the above enumeration of the

¹ The Gentlemen Pensioners were instituted by Henry VIII in 1509 as a bodyguard within the palace.

² From his tomb in St. Decuman's.

³ His will, described as 'the last saying of Lieutenant Wyndham in Huizen', was executed on active service and was dated 22 Jan. 1624.

⁴ *Cal. S.P. Dom. Car. II*, i. 32.

⁵ Rye, *Cromer Past and Present*, 30-1.

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facts known about the actions of the Wyndhams of Orchard in the Civil War is that they sat on the fence. They were no older than their cousins of Kentsford, who sacrificed everything for the King, and yet none of them fought on either side. Two of them suffered the penalty of sequestration, but neither of these had to compound for the property seized. There were indeed many people situated as they were who took no active part while contributing, willingly or otherwise, to the financial resources of one side or the other.

When the first Civil War was at last over, the task of peacemaking was impeded by religious and political dissensions amongst the Parliament's supporters. Those in the House of Commons were inclined to favour the Presbyterian solution of the religious problems of the day. Opposed to them were the 'Independents' whose strength lay in the new invincible 'Roundhead' army. They were congregationalists who refused to be governed by 'Presbyters' and 'Committees of Divines' and who were less intolerant of those who differed from them. They in their turn were not wholly united politically, for many of them became 'Levellers', advocating a programme of democratic reform that was disturbing to others. Yet another party calling themselves 'True Levellers' stood for a precise social, economic, and political equality between all men. They declined, for example, to doff their hats to any one in authority on the ground that 'he was their fellow creature', and they asserted a right to do what they liked with other peoples' property. In Norfolk they even went so far as to fell timber belonging to Thomas Windham of Felbrigge; and the Council of State sitting in Derby House was obliged to send special instructions to the Sheriffs of the eastern counties to apprehend

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and convict them if they persisted in their revolutionary propaganda.¹ In the north there was a Scottish army, in the pay of the Parliament, determined if possible to impose its Presbyterianism on England. Being owed large sums of money for arrears of pay it was in a strong position to assert itself.

The King thought he saw an opportunity of retrieving his defeat by taking advantage of these divisions among his opponents. Accordingly, after leaving Oxford in disguise, he joined the Scottish army and was carried by it to Newcastle. Any hope of enlisting its active support depended on his willingness to accept the establishment of Presbyterianism in England. To this he would not agree, at any rate permanently. Nor was he more accommodating on the 'Nineteen Propositions' now submitted to him by Parliament, for they required him to sign the Covenant, to abolish episcopacy, to accept such a settlement of the religious question as might be satisfactory to Parliament, and to exempt from pardon a long list of his supporters, among whom was Edmund Wyndham. While the King temporized over these unpalatable terms, Parliament managed to pay off the Scots, who thereupon retired across the border and left Charles a prisoner in the hands of his enemies.

With the subsequent quarrel between the 'Round-head' army and Parliament we are not here concerned. Nor need we do more than allude to the consequent drawing together of the King and the Presbyterians, the outbreak of the Second Civil War, the triumph of the army, and the execution of the King. This is a history of the Wyndhams; and none of them was connected with these events. Edmund was a prisoner, living under the charge of Samuel Warcupp, Bailiff of

¹ *Cal. S.P. Commonwealth*, i. 45.

the Borough of Southwark.¹ Francis had for the second time surrendered on honourable terms when Oxford yielded to Fairfax in June 1646. The pass he then received is printed below:²

‘Sir Thomas Fairfax General of the Forces raised by the Parliament suffers the bearer hereof Colonel Francis Wyndham who was in the city and garrison of Oxford to have the benefit of the articles agreed unto upon the surrender quietly and without interruption to pass the guards with his servants, horses, arms, goods and all other necessities and to repair unto London or elsewhere on their necessary occasion and in all places where they shall reside or whitherto they shall remove to be protected from all violence to their persons goods or estates according to the said articles, and to have full liberty at any time within six months to go to any convenient part and to transport themselves with their servants, goods and necessities beyond the seas, and in all other things to enjoy the benefit of the said articles. Whereunto all due obedience is to be given by all persons whom it may concern. Given under my hand and seal this 22 June 1646.

TH. FAIRFAX.’

Protected by this document, recognizing that the King’s cause was now lost, deprecating all negotiations with Presbyterians and other rebels who had turned upside down all things in Church and State, he retired to ‘live quietly’.³ Not until after the execution of the King did he once more become active against the new régime. He married Anne Gerard in 1646. She was joint heiress with her four sisters of the estate of her father Thomas Gerard of Trent. When the inheritance was divided between them in 1651, Anne got Trent House and it became her and her husband’s home.⁴

¹ S.P. 23/136, no. 601.

² A copy of the pass is in S.P. 23/139, no. 135, among the papers of the Committee for Compounding. ³ Clarendon, ii. 566–7.

⁴ *Notes and Queries, Somerset and Dorset*, viii. 94.

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Edmund, on the other hand, after having been a prisoner three years and nine months, 'contrived an escape'¹ and joined Charles on the Continent. But these events belong to the Interregnum and to the next chapter but one. Before we come to them we must consider how the Wyndhams fared under the sequestration and compoundings of delinquent estates.

¹ Thus it is described in the 'Heroic Elegy' preached at Edmund's funeral in St. Decuman's in 1682. Unhappily no details of 'the escape' have survived. There is a copy of 'An Heroic Elegy upon the death of that excellent Hero Sir Edmund Wyndham' in the British Museum (Luttrell, i. 161).

X

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THE machinery by which Parliament raised voluntary or compulsory contributions towards its war expenses was set in motion in November 1642, by the appointment of a 'Committee for the Advance of Money'. Its attentions were at first confined to residents in the City of London and within a radius of twenty miles. Its method of procedure was to call on the well-to-do for loans to the extent of 5 per cent. of their real property and 20 per cent. of their personal property, and to give as security 'Public Faith Bills' bearing interest at 8 per cent. Its activities soon spread farther afield, but at the same time were largely superseded by the establishment of a 'Sequestration Committee' in London with committees and commissioners in the counties, whose duty it was to sequester the properties of those who were proclaimed 'Delinquents' because of their support of the King. A sequestered estate was forfeited to Parliament, while an allowance of a fifth was set aside for the support of the former owner's wife and family. It was, of course, easy enough thus to appropriate royalists' possessions; but they were cumbrous and uncertain sources of revenue unless they could be realized and turned into the cash that was so much needed for the army. All the circumstances were unfavourable to any such wholesale liquidation, and the more properties were seized the more difficult it became. Their administration too by the county committees was frequently corrupt and damaging to the parliamentary prestige. Hence a new policy was necessary, and in 1644 a 'Committee for Compounding'

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was created to encourage delinquents to solve the problem by themselves buying back their forfeited estates on terms. Three conditions were insisted on. The first two required a delinquent to admit his fault and to pledge himself to accept the new order. The third called on him to furnish on oath an inventory or 'particular' of all his possessions. This last document was examined and reported on by the Committee's officials and, so soon as it was settled, the calculation of the composition fine was simple, its basis of assessment being usually a sixth of the capital value of the estate, or two years' purchase at pre-war values.¹ When the compounding Cavalier had paid half the fine and given security for the balance, the property was handed back to him and he resumed his former possession of whatever there was of it.

Sir Hugh Wyndham of Pilsdon, being prominent in the City of London, was naturally the first member of the family to be caught up in the above money-raising machinery. Indeed, Parliament in December 1642 called on him directly for a loan of £2,000, or for security for that amount, without the intervention of the Committee for the Advance of Money. The loan was part of a sum of £20,000 which the House of Commons had decided to raise in the City in order to help maintain the army during the discussion of certain propositions for peace which had been prepared by a committee of the House of Lords and submitted to the Commons; and which in the end came to nothing. At first Sir Hugh 'desired to be excused'. It seems likely that the baronetcy so recently conferred on him had been a royal acknowledgement of a substantial

¹ Delinquents whose only offence had been to support the royalist cause in the first Civil War got these terms. All Wyndham delinquents belonged to this class.

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donation. A request now for so generous a support of the Parliament was embarrassing. But it was difficult to evade, and he finally lent £350. Soon afterwards he attracted the attention of the Committee for the Advance of Money and in 1643 was assessed by it at £1,000. Once more he refused to pay. But this time there was no pretence of voluntariness. He was imprisoned and his stock and dividends in the East India Company, his goods and his house, were detained in the hands of the Committee until he was more accommodating. He was not long in prison, for Roger Kilvert, a prominent wine merchant, gave security on his behalf for £650, and he was allowed to count the loan of £350 as satisfying the balance. He might well congratulate himself on having got off for £1,000 instead of £2,000.¹ But he was not yet free, for he was assessed a second time by the Committee for the Advance of Money in January 1646, and this time at the high figure of £2,500. The demand, however, was withdrawn on the ground that the £1,000 he had already lent and paid was his correct proportion and that there was in consequence no warrant for further proceedings. The only change was that his loan now became an irrecoverable contribution;² not a very material difference. The chances of the money ever being repaid had always been negligible.

It is not possible to calculate how the assessment of £1,000 was arrived at because we know not how much of Sir Hugh's estate was realty and how much personalty. On the other hand, Wadham Wyndham of Lincoln's Inn was assessed at £500, but was discharged on paying £62, that being his 'twentieth by affidavit'.

¹ *Cal. S.P. Committee for the Advance of Money*, 4 Sept. and 28 Dec. 1643. Roger Kilvert fought a great case against the Vintners' Company in 1642-3.

² *Ibid.* 2, 16, 21 Jan. 1646.

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Hence his property must at that time have consisted of realty worth £1,240.¹ Another assessment was that of John Wyndham of Orchard, the husband of Katherine Hopton. He, like Sir Hugh, was never a delinquent and his estate was not sequestered. But it was assessed by the Committee in October 1646 for a contribution of £1,600.² In the end, however, John escaped having to pay anything. In the previous August an instruction had been issued confining assessments to delinquents, and nothing could be proved against him on that score.

Wadham and his brother Sir George were the only members of the Orchard Wyndham family who were accused of delinquency. George no doubt suffered for having been of the King's household. Nevertheless, he was never forced to a composition after he retired to his home at Cromer. What the accusation against Wadham was it is not now possible to say. All we know of his movements during the Civil War is that soon after he received the £4,000 from his father he went into Wales³ and remained there until about the middle of 1645. His presence there at a time when royalist activity in the west was being intensified, as, for example, by the mission of the Prince of Wales to Somerset, may account for his being suspect. At any rate, his possessions were sequestered in 1645, pending the hearing of the charge. The subsequent proceedings dragged on for over eight years and are a good example of the dilatoriness that characterized so many of the actions of the sequestering authorities. They need only be briefly summarized here. First there was an interval of two years during which nothing was done. Then in December 1648 the County Commissioners

¹ Ibid. 12 Sept., 25 Oct. 1645.

² Ibid. 23 Oct. 1646.

³ Chancery Proceedings, Whittington, 834/26.

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took upon themselves to sell the movables and the underwood and let the lands for one year to a certain John Mitchell for £500.¹ Wadham at once claimed to be heard before the transaction was completed, and it was thereupon postponed until the following April. The Commissioners then again ordered the disposal of the whole property, although Wadham had not yet been heard in his defence. There followed another interval of inaction until August 1651, when the Commissioners warned him that his case was about to be heard. Six months later (February 1652) another notice was served on him in his house at Ilton calling on him to show cause why the sequestration should not be proceeded with. More than a year later (April 1653) the Commissioners were pleased to order that 'the business of Wadham Wyndham be speedily prepared and delivered to the Committee for Compounding' in London. In October that Committee was able to consider the report of its officials, an extract from which is printed below:

'Several orders appear to have been made that the estate should stand sequestrated, and several orders made suspending those orders, and that he should be heard in his defence before any further proceedings; yet it does not appear that there was even any order of sequestration upon a judicial hearing of his defence, or that he was ever heard in his defence as unto the merits of his cause.'

In these circumstances the London Committee unhesitatingly discharged the estate and returned it to Wadham without imposing on him any composition.²

The sequestrations and compositions of the estates of Edmund Wyndham of Kentsford and of his son

¹ The Commissioners were empowered to lease for only one year. The rent seems large.

² S.P. 23/139, no. 167; 23/21, no. 1308.

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Hugh, about whose delinquencies there could be no doubt, were equally prolonged. Starting early in 1646, they dragged on until 1654. But for this there was some excuse, for they were more complicated than most others. They cannot indeed be rightly understood unless we give a rough sketch of Edmund's financial position before and after the war. According to his own figures written in 1667 when he submitted a statement of his losses through the war, his various properties, including freehold and life interests, inherited from his father or the heritage of Christabella from her father, brought him in an income of £2,500, as follows:¹

	£
1. Oking in Staffordshire. (Pyne property)	. 400
2. Hele and other lands in Devonshire. (Wyndham property)	. 200
3. Sundry properties in Somerset including the impropriated tithe of Cutcomb and Luxborough. (Wyndham property)	. 300
4. Pentridge in Dorset. (Pyne property)	. 120
	———1,020
5. Tale and Peyhembury with the impropriated tithe (Pyne property), and other lands in Devonshire. (Wyndham property)	} 1,500
6. Kentsford in Somerset. (Wyndham property)	
7. Cathanger in Somerset. (Pyne property)	

The first four, except a portion of Pentridge, were sold before the war, the money being spent 'in the King's service', 'it being apparent that I could spend it in no other ways, for I never was a gamester nor in any other ways extravagant, but always lived within the compass of my estate'. Of these sales we have

¹ S.P. 29/26, no. 132.

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particulars of the third. It was a mortgage executed in May 1640, the mortgagee being Robert Henley a large London financier. The sum advanced was £1,050, and the money was used to pay off existing obligations dating from 1638 on which payments were already in arrear. They continued to accumulate after Henley took them over, and he had to foreclose on the security before the War began. It seems likely that the Great Level engulfed the money, seeing that Henley had also embarked on 'an adventure in my Lord Bedford's farms' of 5,500 acres.¹ Edmund, of course, regarded the development of these 12,000 acres as service to the King. It is difficult on the available information to calculate how much he and Savage sunk in them. Savage twenty years later asserted that his own loss had been £10,000,² a figure that gives the impression of being a globular exaggeration at a time when Cavaliers were making as much as they could of their sacrifices for the Stuarts. But £10,000 might not be unreasonable, as the loss of the partnership and Edmund's share may well have been £5,000. What he dropped over soap, beer, and mining, all equally services to the King being royal concessions, it is not possible to say. He may indeed have got out of soap without loss. But certainly his other ventures swallowed up all the rest of the proceeds of these land sales.

The revenue of £2,500 a year added to the £500 received from the Errors Office made a total of £3,000, or, in more modern values, £18,000 a year, without reckoning anything for Christabella's share in any discoveries of sums due on Crown lands. Such an income seems reasonably likely, although Edmund would naturally be inclined to enlarge it in order to increase the total of his losses. Other points in regard to his

¹ S.P. 23/138, nos. 135, 147, 173. ² *Cal. S.P. Dom. Car. II*, v. 21.

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pre-war position were: (1) That Cathanger, with its Elizabethan house built by Judge Walsh and bought by Christabella's father, was held in trust to pay her sister Grace, who was married to Cressy Tasburgh of Flixton in Suffolk, a jointure of £300 a year.¹ (2) That Kentsford was earmarked as security for the jointure of Edmund's mother, and paid her upwards of £200 a year.² (3) That there were other outstanding debts. One dating from June 1641 was for a sum of £693 and was due to Maximilian Buck of Southampton County.³ Two others arose from court judgements. The first had been given in favour of a certain Mary Washer, but for what amount or why is now indiscoverable.⁴ The second was in favour of 'Mark Cottle of London, Gent'. Originally for £400, it had been reduced to £300.⁵ Thus Edmund entered the war having lost two-fifths of his real estate, while out of the income derived from the remaining three-fifths, over £500 a year was paid out in jointures. In other words, he had an available income of £1,000 and outstanding liabilities of over £1,000.

Immediately after the war began Edmund managed to raise a further £900, the lender being Roger Drake of London, and it was through Drake that parts of his sequestrated estate were compounded for. In August 1651 Parliament passed an Act allowing a mortgagee to compound in the place of his mortgagor and so to get control over the properties that were his security. Drake at once took advantage of the opportunity. Nor were the Committee for Compounding less willing to grant the composition. It promised some revenue, much needed at a time when Charles II was invading

¹ S.P. 23/121, no. 601.

² S.P. 23/81, no. 729.

³ S.P. 23/136, no. 585.

⁴ Her petition is missing.

⁵ S.P. 23/76, no. 609.

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England from Scotland, and it cleared away another of the outstanding sequestrations. There was little difficulty in deciding its terms. The inventory of the estate prepared for the purpose included the following properties:¹

1. Tale and Peyhembury with the impropriated tithe and other lands in Devonshire.
2. Various properties in Somerset, including the impropriated tithe of Cutcomb and Luxborough.
3. Part of Pentridge in Dorset.

The assessed annual value of these before the war was £405, hence two years' purchase, or a sixth of the capital value, amounted to £810. That, then, was the fine that Drake was called upon to pay, half of it within a fortnight and the balance within six weeks.²

After Drake had paid the first half and given security for the second, several complications arose causing a delay of some months. In the first place, Robert Henley pointed out that some of the properties in Somerset, including Cutcomb and Luxborough, had been forfeited to him before the war, and had been included in his inventory when his own composition had been settled for a fine of £9,000. They were therefore clearly no longer sequestrable as belonging to Edmund; and on 30 May 1654 the Committee for Compounding was obliged to admit the justice of this contention, and consequently Drake was deprived of that part of his security.³

Secondly, the composition fine had been calculated as if the whole estate were held in fee, whereas this was the tenure of less than half of it, the balance being for life only.⁴ The error was discovered when Ed-

¹ S.P. 23/81, no. 729.

² S.P. 23/14, no. 50.

³ S.P. 23/23, no. 1591; 23/138, no. 147.

⁴ S.P. 23/15, no. 244.

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mund's son Hugh, after his marriage with Joan Drake,¹ applied in May 1651 for a composition of his reversionary interest, and arranged it on a basis of £442. 3*s.* 5*d.* and £250 on account of his wife's marriage portion of £1,500, a total of £692. 3*s.* 5*d.* Having paid the first half in June, he applied for leave to sell most of his reversionary rights in Somerset, and, after the Committee had approved, he paid the second half in January 1652.² Drake thereupon applied to have the second half of his fine scaled down in view of these altered circumstances, and he refused to pay until this had been done.

Meanwhile the situation had become more complex owing to the actions of the Devon County Commissioners. They had resented Drake's intrusion and his success in getting the control over Tale and Peyhem-bury, and so depriving them of it. They asserted that whereas Drake had compounded for that particular portion of Edmund's estate at an assessed annual value of £152, they could let it for at least £240. In support they sent to London a firm offer from a man named John Holwell of £235 a year for five years, free of all taxes and charges save church and poor rates. They declared that the impropriated tithe was worth at least £60 a year. Thus the Commonwealth could get a rent of £300 if Drake were kept out. They went on to charge John Westcomb, 'a notorious cavalier', who was Edmund's sitting tenant and obviously anxious to serve his interests, with refusing to render any accounts and with having prevailed on Drake to come in as a creditor in order to defraud the Commonwealth, and preserve the estate for Edmund. Their arguments

¹ See below, p. 235.

² S.P. 23/12, no. 351; 23/15, no. 112; 23/139, no. 146; 23/43. Hugh's estate included other interests than the reversions.

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might have carried greater weight had their own hands been clean. The degree to which they were soiled was at that very time beginning to be apparent; and in 1653 one of them was called upon to answer for defalcations amounting to £733. By some means he evaded trial until after the fall of the Commonwealth. He was then brought to justice by the Restoration government and found guilty to the extent of £300. The end of the story is that, as a kind of Homeric justice and as some compensation for his many losses in the Civil War, the £300 were paid to Edmund.¹ In any case, apart from any other consideration, the position taken up by the Commissioners was indefensible. There could be no doubt that Drake was a mortgagee and that under the law he had the right to compound for his security and so get control over it. Nor could the Committee refuse him the benefit of the law. The only possible sufferer by the arrangement was Maximilian Buck. His debt was several years prior to Drake's; but it was unsecured and the Committee could only give him leave to recover it as best he could—a poor prospect for him.²

Unfortunately, Drake's delay in paying the second half of his fine gave the angry Commissioners an opportunity of being revenged by re-sequestrating the estate on the ground of his failure to complete the fine. But after much wrangling and legal argument, spread over two years during which Drake died, the matter was at last adjusted in May 1652 by his executors paying £149. 18s. 9d. instead of £405.³

The history of the Drake mortgage and composition

¹ S.P. 23/129, no. 29; 23/229, no. 29; 23/255, nos. 62, 85, 86; *Cal. S.P. Dom. Car. II*, ii. 66; *Cal. Treasury Books*, 1660-6, 491.

² S.P. 23/23, no. 1591.

³ S.P. 23/16, no. 357; 23/299, no. 27; 23/81, no. 729.

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has carried us away from Edmund's other financial transactions during and immediately after the war. He appears to have lent the King £1,000 soon after hostilities began and to have received in return a promise that the money would be repaid him out of the Court of Wards.¹ This, of course, it never was. Another loss was the £1,200 'borrowed' from Sir John Wyndham and expended on the fortifications of Bridgwater. Then in 1647 he and his son Hugh borrowed from his brother, Colonel Francis of Trent, a sum the exact size of which is not given. Nor is there anything to show how it was spent. But the point is of small importance. Whatever it was, it landed Edmund still deeper in the mire, and by 1664 the amount owing to Francis had accumulated to £2,912. Being unable to repay it or meet the interest, Edmund and Hugh were obliged in 1669 to settle the debt by transferring to Francis the equity of the redemption over the security, amongst which was the reversion of Kentsford, a transaction that twenty years later led to another family lawsuit.² Finally, Edmund lost all his personal belongings, his household stuff, plate, stock of corn and cattle to the value of £2,000; and had his woods cut down to the value of £1,000.

Edmund's own calculation of his losses, made out in the year 1667, is given on p. 230 with comments.³

As a claim for compensation for war losses this statement could hardly survive the most charitable scrutiny. The war could only very indirectly be held

¹ S.P. 23/26, no. 132.

² H.M.C., *12th Report*, Appendix, Part VI, *House of Lords*, 195. The debt was still outstanding when Sir Francis Wyndham died in 1676.

³ S.P. 23/26, no. 132. There is another and a different version of Edmund's losses in *Cal. S.P. Dom. Car. II*, viii. 199. But the one quoted above is the more detailed and authentic, although it contains the statement about furnishing Prince Maurice at Lyme.

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	£
1. The lands I sold was worth eighteen years' purchase	18,360
These lands are the first four items of the list on page 223 above. The income from them of £1,020 at eighteen years' purchase makes the capital value stated.	
2. The money that I lent and engaged for and have since paid was principal without interest . . .	2,200
This item consists of the £1,000 loan to Charles I which was to be repaid out of the Court of Wards, and of the £1,200 spent on the fortifications of Bridgwater.	
3. The personal estate I was plundered of and my woods cut down	3,000
4. The loss of my lease in ye farms which would have been worth now	20,000
This is the lease of the 12,000 acres of fen land.	
5. The loss of 500 acres of fen land bought of the Earl of Lindsay, the inheritance cost £2,000 besides the loss of interest for thirty years . . .	2,000
6. My estate of £1,500 per annum sequestrated sixteen years	24,000
This represents items 5, 6, 7 on page 223 above.	
7. The Errors office	4,000
That is to say, £500 a year at eight years' purchase. He was deprived of the office by the Long Parliament.	
	£73,560

responsible for the first item, while the fourth was entirely imaginary. War or no war, Edmund and his partner could never have carried out the terms of the lease, and their failure to meet the first two years' rent cancelled it. The sixth item, too, calls for much adjustment. From it fall to be deducted the jointures of Grace Tasburgh and Lady Wyndham. In it also are

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included the Drake and the Francis Wyndham mortgages. After Drake had compounded for his security, that portion of Edmund's property ceased to be sequestered and was in fact foreclosed by Drake in satisfaction of his claim. This particular loss, on the other hand, could be traced directly to the war, for the £900 appear to have been spent in recruiting and arming 2,000 foot for the King.¹

We need not attempt to delve more deeply into Edmund's affairs. Enough has been said to make clear that he was irretrievably ruined. He was left, as he says, with nothing on which he could raise portions for his daughters or provide for his children.² He had nothing to bequeath and died intestate. His one certain source of income was the office of Knight-Marshal, to which he was appointed in 1667, and which was worth about £1,000 a year.

Continuing now with the sequestrations and compositions of other members of the family, we must next deal with Edmund's brother Francis. He applied for a composition a week after his surrender to Fairfax at Oxford. His fine was assessed at £197. 10s. on 5 December following, and he paid it in full two days later.³ Such promptness is refreshing. Indeed, Francis's whole war record is pleasant reading. Having no option but to surrender on honourable terms, he accepted the arbitrament of war and submitted to its verdict with dignity and dispatch. That he was esteemed by those against whom he fought is shown by the terms accorded to him at Dunster and Oxford. He took no part in the Second Civil War. Arising as

¹ In the other version of his losses Edmund says that he raised two regiments of horse, one of foot and one of dragoons. But his name does not appear in lists of those who raised regiments for the King.

² S.P. 29/26, no. 132.

³ S.P. 23/43 and 50; 23/139, no. 133.

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it did out of the quarrel between the Presbyterians and the Independents, it made no appeal to him. He had more in common with Fairfax who, though a Presbyterian, disapproved of the King's execution, and whose wife was a confirmed royalist. He could always count on Fairfax for a certificate reminding all whom it might concern of the terms accorded to him at Oxford.¹ He was also free from debt. Unlike Edmund, he was not a speculator.

Francis's mother, Lady Wyndham, to whom it will be remembered Fairfax gave a pass enabling her to go home after the surrender of Dunster Castle, adopted the same realistic attitude as her son. On 27 February 1647 she applied to compound for her delinquency, her estate having been sequestrated in 1645. Her fine was assessed on 18 March at £324 and she paid the first half the next day. There followed a delay of two years before she paid the second half. During this interval she petitioned the Committee that 'having regard to her great age (of seventy years) and the extraordinary losses she had suffered by plundering to the value of £1,500', the second half might be remitted, so that she 'might pay but one year's value' instead of two. She even obtained a pardon from Parliament for her delinquency and a remission of her sequestration. Nevertheless, the second half of the fine was extracted from her and was paid on 31 May 1649.²

Christabella also swallowed her pride and in 1650 petitioned the Committee for Compounding to be paid the fifth of her husband's estate to which she was entitled. She further asked to be allowed to live at Kentsford.³ Both requests were granted. Unfortu-

¹ S.P. 23/139, no. 139. One such certificate is dated 22 Aug. 1649.

² S.P. 23/43 and 50; 23/139, no. 142; *J.H.C.* 14 May 1648.

³ S.P. 23/139, no. 149.

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nately there is nothing to show how the fifth was calculated, having regard to the several charges on the estate, nor how it was paid.

The only other member of the family to be accused of delinquency was Francis Wyndham of Sandhill, the uncle of Edmund and Francis. His estate was sequestered, although he was, he declared, 'ignorant of any offence'; and he compounded for a fine of £336. 7s. He paid it with commendable promptitude: £236. 7s. on 22 March 1649, and the balance on 15 May.¹

Adding all these fines together, extracted as they were only from the Kentsford branch of the family, we get a total of £2,200, or in more modern values £13,200, as the penalty imposed on it by Parliament for its adherence to the King's cause.

¹ S.P. 23/208, no. 113; 23/235, no. 102; 23/5, no. 49.

XI

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WE must now resume our inquiry into the events that followed the execution of the King. Charles II heard the news at The Hague on 4 February. It reached Edinburgh on the same day; and on the 5th he was there proclaimed to be King of Great Britain, France, and Ireland by a government that resented the beheading of his father without its being consulted. Ireland was still less amenable to the new English régime and was almost all in arms against it. Hence Charles's hopes of revenging his father's death and recovering his crown lay in his chances of securing assistance from one or other of these two component parts of his dominions. United support from them both was too much to hope for, seeing that an appeal to Scotland implied subscribing to the Covenant, while reliance on Ireland meant siding with Roman Catholics. In either case the command of the sea was of importance, and Charles was fortunate in having at his disposal some parliamentary ships that had revolted to his father at the beginning of the Second Civil War. Being at first attracted by the Irish alternative, he now sent them thither under Prince Rupert, meaning to follow later on.

Charles had also some privateers to harry the Commonwealth's communications and to seize and sell cargoes on his behalf. The *Guinea* frigate was one; but unfortunately she was captured in April 1649 by Colonel Edward Popham, one of the three newly appointed parliamentary 'Generals-at-Sea'. On board of her was Hugh Wyndham, who thus reappears for

the first time since the fall of Bridgwater in July 1645. There is little trace of how he had fared in the interval. He had, of course, been a prisoner of war; but he regained his liberty through the agency of one John Stent, a mysterious benefactor who had served in the parliamentary army under Essex, but who had deserted it when Essex was superseded in 1645. He was one of those for whom the 'New Model' had no attractions, and he showed his dislike of it by being 'serviceable to many of the King's friends'; especially was he useful to Hugh, whose 'liberty he several times procured'.¹ Hugh, when taken on the *Guinea* frigate, was almost certainly a refugee prisoner of war, for he was disguised 'in the habits of a common seaman'.² He therefore fell once again into the enemy's hands. But only for a short time thanks to Stent who managed to smuggle him into the *Santa Theresa*, a ship which sailed to join Rupert in Ireland in the following July. However, his luck in this new vessel was no better than it had been in the *Guinea* frigate, for he at once fell into the hands of Robert Blake, who was blockading Rupert in Kinsale harbour. Blake sent him as a prisoner to Plymouth, whence he was moved to Pendennis Castle in Cornwall and charged with high treason.³ Nevertheless, his life was at no time in the least danger, and his captivity at Pendennis ended in his marriage instead of his execution. Pendennis commands the entrance to Falmouth harbour, and on the opposite shore at that time stood the seat of John Trefusis whose wife, Joan, was a daughter of Sir William Strode of Newnham and widow of Sir Francis Drake of Buckland Abbey.⁴

¹ *Cal. S.P. Dom. Car. II*, v. 416. The quotations are from a certificate signed by Hugh's father, Edmund. ² *Cal. S.P. Commonwealth*, i. 129.

³ *Ibid.* 235; *J.H.C.* vi. 267; Whitelock, *Memorials*, 413-14; *H.M.C.* 51, Littlecote MSS.

⁴ Nephew of the great Sir Francis. See Elliott-Drake, *The Family*

Hugh fell in love with her fourth Drake daughter, Joan, and so chose as his wife one whose parents had been on the opposite side to him in the war, whose brother had married a daughter of John Pym, and one of whose uncles had been William Strode, one of the five members of Parliament whom Charles I had tried to arrest. There can be no doubt that these relationships prejudiced Hugh in the eyes of royalists, and, after compounding for his estate, he took his wife to Kentsford, his grandmother, Lady Wyndham, leaving it to go and live with her son Francis at Trent. On the other hand, Hugh's father Edmund, and his two younger brothers, Thomas, who later was known as 'of Tale', and Charles,¹ joined the King in his exile and shared in some of his difficulties and privations.

We first meet Edmund at the banished court when the King was passing through France in the summer of 1649 on his way to Ireland. At this particular time Charles happened to have fallen very much under the influence of Edmund's son-in-law, the indecorous Thomas Elliot, who now once more reappears. Hyde also was then in France on his way to Madrid; and he describes how Elliot was 'never far from the person of the King and always whispering in his ear'. Henrietta Maria, too, looked upon Elliot with abhorrence, while he treated her 'with wonderful disrespect when she spoke to him'. It was the first time she had seen Charles since he had become King; and when he made clear to her that he would no longer be governed by her advice, she attributed the change to Elliot's influence. A struggle occurred between them over the nomination of a new Secretary of State, an office that became vacant on the demise of the Crown. She urged

and Heirs of Sir Francis Drake. See Genealogy, p. 187, for Sir William Strode of Newnham.

¹ See Genealogy III.

Charles to appoint George Lord Digby. Elliot was determined to prevent it. He hated Digby as being the man who had set Charles I against him and had got him removed from the Prince's entourage. Digby had also quarrelled with Prince Rupert, of whom both Elliot and Edmund were allies. The problem of whom to suggest in his place was easily solved. Edmund was there; why not promote him? The absurdity of the suggestion as it appeared to those who valued the Tudor tradition was apparent when they recalled that the office had been filled by men like Thomas Cromwell under Henry VIII, by Burghley under Elizabeth, and by Salisbury under her and James I—statesmen who had been the principal advisers of their Sovereign and exponents of the royal will to Parliament. It is true that during the development of the quarrel between Charles I and Parliament the Secretaries, Sir Francis Windebank and Sir John Coke, had become mere creatures of the King. Nevertheless, their qualifications and experience had fitted them more for the charge than did Edmund's. To everybody but his son-in-law and the King the proposal seemed 'an incredible design', which could not be excused even by the consideration that, so long as the King was an exile, the office was little more than a sinecure without pay. Hyde, who was detained in France on his way to Spain, was able to interview the King on the subject.

In defending the appointment Charles showed that he had no conception of the office other than that to which it had sunk under his father. He could not, of course, foresee that after his Restoration the constitution would begin developing a Cabinet system in which Secretaries of State would be responsible to Parliament instead of to the King and, thus transformed, would resume their Tudor function of

expounding the government's policy to the representatives of the people. He admitted:

'that Mr. Wyndham had not any experience in that employment, but that it depended so much upon forms, that he would be quickly instructed in it: that he was a very honest man, for whom he had never done anything, and had now nothing else to give him but this place; for which he doubted not but, in a short time, he would make himself very fit.'

He promised, however, to reconsider it, although he continued to listen very unwillingly to the Queen and others who spoke against Edmund's qualifications. Eventually the opposition was obliged to resort to ridicule to cure him of the obsession. One day, Lord Cottington, an old councillor of his father's, who 'never smiled while he made others merry', and who was on his way to Spain with Hyde, gravely told the King that he had a humble suit to make on behalf of an old servant of his father's who had been one of the best falconers in England. When asked what could be done for the man, Cottington replied that, although there was no need of a falconer at Court and the poor man was old and could not ride well, yet he was very honest and could read well and would make an admirable chaplain. Charles smiled and asked what was meant, to which Cottington answered that 'the falconer was in all respects as fit to be his chaplain as Colonel Wyndham was to be Secretary of State'. All who were present burst out laughing and His Majesty was somewhat out of countenance. Nor was he willing to face the ridicule, and the story, going the round of all companies, diverted him from his purpose and made poor Edmund 'so much ashamed of pretending' to the office that nothing more was heard of his promotion to it. He received another appointment instead.¹

¹ Clarendon, iii. 426-7. See below, p. 248.

Charles was glad enough to leave France on the next stage of his journey to Ireland. With Thomas Wyndham of Tale as one of his 'Pages of Honour' or 'Grooms of the Stable', he moved to Jersey in September 1649,¹ at a time when unfortunately for him his Irish plan was being blown sky-high by Cromwell's victories. Landing in Jersey in the interval between the massacres of the garrisons of Drogheda and Wexford, he was compelled to realize that Ireland was no place for him and that he must embrace the Scottish alternative.

The prospect was not pleasing, for the situation in that region was no better than in Ireland. The last-ditch Presbyterians were in control and were persecuting and banishing the moderates who in 1648 had entered into an 'Engagement' with Charles I under which the King's assent to Presbyterianism had been limited to three years. As makers of this tolerant compromise they now had been excluded from office and from Parliament by the 'Act of Classes'. Montrose, too, who was Charles's most sympathetic and inspiring ally, was still more abhorrent to the extremists and was captured and hanged by them on 21 May 1650. So also was the Marquis of Huntley executed on 22 March 1649. He had refused to take the Covenant and had represented the revolt of the gentry against the tyranny of the Church. His position, however, was maintained by his son. But who could replace Montrose? Many of the extremists were opposed to even approaching Charles; but they were overruled. A deputation was sent to Jersey² and arranged with him to receive Scottish Commissioners at Breda in Holland.

¹ H.M.C., *Welbeck Abbey*, Coke's confession.

² Whitelock, *Memorials*, 428, under date 2 Oct. 1649, quotes a report from Scotland that 'Mr. Wyndham was sent to their King with as inviting a message as pen could draw'. Charles may therefore have sent Thomas to Scotland as an emissary before he went to Jersey.

Many of Charles's banished supporters regarded with grave misgivings any dealings with the Kirk, and certainly the first results were far from auspicious. The King was forced by the treaties of Breda and Heligoland to swallow the Covenant and to bind himself to every demand of the extremists; and when he landed in Scotland at the end of June he was to all intents and purposes a prisoner. He was allowed no voice in the government. He was narrowly watched. His entourage was meticulously examined and subjected unmercifully to a process with the engaging title of 'Purging the King's Family'. Thomas Wyndham, who had come to Scotland with him, was lucky enough to escape the first purge, but he fell a victim to the second, on the ground that he was 'of malignant parents'. But he was not banished, for the King, at last losing patience, decided to make a dash for liberty on 4 October. Accompanied by Henry Seymour, a Groom of his Bedchamber, Mr. Rodes, Mr. Andrew Cole, and Mr. Thomas Wyndham, three Gentlemen of his Stables, with Mr. Cartwright as Groom of his Privy Chamber, without any change of clothes and clad in a thin riding suit of stuff,¹ he rode north to join Huntley. As a *coup d'état* 'the Start', as this flight was called, was a dismal failure. Its success depended upon the secrecy of its planning. But Charles was unable to keep his own counsel. His departure was soon discovered and he had ridden only forty-two miles when he was overtaken and brought back. Nevertheless, the gesture of his flight was not without effect. After it his position appreciably improved. Moreover, Cromwell's invasion of Scotland, his victory at Dunbar, and his occupation of Edinburgh reacted in Charles's favour. They

¹ E. Scott, *The King in Exile*, 188; Sir James Balfour, *Historical Works*, iv. 113.

meant the downfall of the extremists and a return to influence of the 'Engagers'. In the new circumstances Charles was crowned at Scone on 1 January 1651; the Act of Classes was repealed and his prospects of securing in Scotland support for regaining the Crown of England improved.

The success of any attempt in that direction would largely depend upon the capacity of the royalists in England to render assistance. Their attitude therefore became a matter of importance. Naturally it was often the subject of speculation among the exiles. But on this occasion a certain Colonel Keane had made a tour of the most promising counties of England and, before Charles left Holland for Scotland, had reported that from his personal observations the west was still loyal. He had spoken, so he said, to John Coventry, a son of Charles I's Lord Keeper, who was 'very froward and resolved'. Sir Henry Berkeley, Mr. Kirton, Colonel Phelips, and Mr. Strangeways were equally 'very zealous to advance the King's business'. So also was Francis Wyndham of Trent who went so far as to undertake 'to obtain Weymouth either by corruption of the government or by surprise'. He was said also to have designs on Dunster Castle and agents in the neighbourhood who were confident of raising men.¹ Such plans were well enough on paper; but they proved to be of little use when put to the test. The royalists were too disorganized and too closely watched to do anything effective. Nevertheless, Charles invaded England. There was nothing else that he could do; and his whole Scottish plan collapsed with his defeat at Worcester. In spite of Colonel Keane's sanguine report about Francis, it was not until the

¹ *Cal. S.P. Commonwealth*, i. 354, ii. 153; Scott, *op. cit.* 132; *H.M.C.*, *Welbeck Abbey*, Coke's confession.

King was a fugitive from the battle that he had a chance of showing his loyalty.

He was at home at Trent on the evening of Tuesday the 16th of September 1651, when a certain Henry Rogers, who was a servant of John Winter the husband of Anne's sister Frances, 'a person of known loyalty and integrity', came to him and said that a Mr. Morton was outside and desired to speak with him. Rogers declined to say more. Francis, rather mystified, went out and saw a man walking near the stables. In spite of the darkness he at once recognized him to be Lord Wilmot, the only attendant whom Charles had not dismissed after the defeat. Except that he had a hawk on his fist and a lure by his side, he had not attempted to conceal his identity, a rashness that astonished Francis when he heard his message. It was no less than that the King himself was on his way to Trent and would arrive the next morning at ten o'clock. No news could have been more welcome, for the current belief was that Charles had been slain at Worcester. Wilmot was forthwith taken into the parlour, where he gave an exact account of the King's condition and present affairs.

The lateness of the hour forbade Francis announcing the tidings to Anne, to his mother, and to her niece, Juliana Coningsby. Any stir so late at night would have aroused suspicion, and not all the household were reliable. Hence nothing was done until the morning, when the family and three of the servants who could be trusted, namely Francis's man, Henry Peters, and two maidservants, Eleanore Withers and Joan Halse-noth, were informed. The next thing to be done was to make all the necessary arrangements for Charles's reception and concealment. Lady Wyndham's room was chosen for him to lodge in, as it had a closet open-

ing out from it with a hiding-hole under the floor. Then all the other servants were given employments that ensured their absence from the house, and between 9 and 10 o'clock Francis and Anne walked out into the fields. They soon espied two horsemen approaching, one having a portmanteau behind him, and the other a woman.¹ The former was the King, and he showed that although 'his habit and countenance were much changed yet his heroic spirit was the same', by cheerfully crying out—'Frank, Frank, how dost thou'. Francis, to avoid the jealous eyes of some neighbours, sent him into the house by the back door; while his two companions 'were publicly received as relatives who, coming from a distance, were to be gone the next day'. Once in the house, however, Charles was conducted to Lady Wyndham's room, 'where all gave vent to their feelings':

'For what loyal eye could look upon so glorious a Prince thus eclipsed, and not pay Him the Homage of Tears.'²

The three ladies then withdrew into the parlour.

At Trent Charles was close to villages where a boat might be chartered to take him over to France: and Francis was well placed for making inquiries on the subject as he was as yet hardly known in east Somerset. Nevertheless, he assumed the name of Captain Norris, and under the pseudonym agreed with one Stephen Limbry, 'a right honest man and perfect royalist', who lived at Charmouth, to bring a small coasting vessel he owned into Charmouth Road on the night of Monday-Tuesday 22-3 September. Limbry was told that it was required to carry two fugitive royalists to St. Malo, and the fee agreed upon was £60. Having arranged this,

¹ They were Lascelles and Jane Lane, riding on the other horse.

² These were Anne Wyndham's sentiments.

Francis sent Peters to engage a room at the Queen's Arms in Charmouth for that evening, this time for a couple of lovers who intended to run away from the lady's obdurate guardian.

All plans being thus completed, the party set forth on Monday morning. Charles was dressed as a groom and rode before Juliana Coningsby, who was to play the part of the runaway bride. Wilmot was the lover, and Francis and Peters were attendants. The King, Wilmot, and Juliana were safely delivered at the Queen's Arms, and spent an anxious night there waiting for the summons to go to the Roads and embark. But no summons came, for Limbry's wife, fearing for her husband's safety, had locked him into his room and refused to let him out. The plan therefore entirely miscarried and a hurried decision had to be taken what to do in the circumstances. On Francis's suggestion they started for Bridport where, he thought, they might wait until they heard why Limbry had failed them. But as they approached the town they saw to their dismay that it was full of soldiers, and Francis regretting his advice now begged the King not to enter it. But they had promised to wait there for Wilmot who had had to remain behind in Charmouth owing to his horse requiring shoeing, therefore Charles insisted that the only thing to do was to 'go impudently into the best inn in the town and take a chamber there'. So they rode boldly up to the George Inn. It was full of soldiers, and Charles was obliged to converse with them in the yard for an hour before Francis could secure either a room or a meal. At last he was able to call the King upstairs and give him some mutton to eat, while Juliana looked out of the window. She soon saw Peters ride into the yard, and on being beckoned upstairs he informed them that Wilmot had seen her

at the window as he passed, that he had gone to another inn, and that he begged them to ride slowly along the London road when he would join them. He did so about two miles from the town.

In the meantime a rumour that the King had spent the night at Charmouth caused Captain Macey, the commander of the local militia, to organize a pursuit. Hearing at Bridport that the suspected party had taken the London road, he followed as far as Dorchester without discovering that, by great good fortune, they had turned off it northwards with the idea of making their way back to Trent. Going too far to the west they arrived at Broadwindsor, where they spent a most disturbed and uncomfortable night in the St. George and Dragon Inn, which was crowded with soldiers. At no time during his wanderings was Charles in greater danger of capture. By the merest chance the crowded state of the London road had made him and his companions leave it; and hardly had they done so when their pursuers overshot them. Not knowing whither they had disappeared, Captain Macey decided that the best thing to do was to search for them in the neighbouring houses, and among them Pilsdon which lay but three miles from Broadwindsor. Sir Hugh was there at the time with his wife and four daughters, and they and their servants were placed under a guard in the hall whilst every corner, trunk, and box was examined and rifled. Nor were the soldiers satisfied with a mere search but, taking a particular view of their prisoners, they picked out the best-looking daughter and, declaring that she was Charles in disguise, did not let her go until they had tested her sex by 'an undoubted experiment'. No authority tells us which of the four Miss Wyndhams, whether Mary, Sarah, Marjory, or Rachel, was thus rudely assaulted. Anne

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Wyndham, in *Clastrum Regale*, is content to say that she was 'a lovely young lady', and draws a discreet veil over her name. The other witnesses are equally charitable and silent on the point. But the incident was long remembered in the family with resentment.

Having thus providentially evaded pursuit, the King, with Francis and Juliana, returned the next day to Trent, although the place was no longer a safe refuge for him. He had become known to too many and the village was full of 'zealots' and 'sectaries' who were hostile to him and to the Wyndhams. Soon after his first arrival the rumour of his death had been confirmed by a passing trooper who claimed to be wearing his buff coat; and the good tidings had been celebrated by 'bonfires, firing of guns, drinking and other jollities'. His knell had even been rung on the church bell. Still more alarming had been a threat to search Trent House on Sunday, 21 September, the day before he was due to leave for Charmouth, because of a report that persons of quality were hiding in it. Fortunately the local tailor had warned Francis; and to allay suspicion he had decided to go openly to church with Wilmot. He had given up attending services since 'faction and rebellion had justled out peace and religion', and he thought that his unexpected appearance at one would create the impression that Wilmot was the stranger in the house and that he must be unobjectionable, seeing that he had apparently converted Francis to the new order and had induced him to come to church. In any case the risk was small, for the Wyndham seat was in an aisle apart, and the congregation could not get a good view of its inmates. So Francis and Wilmot went to church and the parishioners seem to have been satisfied. Another alarm occurred after Charles's return from

Charmouth when Anne, who had gone out one day to seek for news, saw a troop of horse ride into Sherborne and could find out nothing about its orders or destination. She hurried back home and made Charles retire into the hiding hole while she and Francis sat up all night keeping watch. But nothing happened, and in the morning the troop moved away to the coast.

It was high time to leave Trent, and the obvious direction to take was eastwards along the coast, where a ship might be found to take the King over the Channel. With this object Wilmot and Peters had already gone to Salisbury from Broadwindsor and, although they failed to charter a boat, they were able to arrange for John Coventry and Colonel Phelips to take charge of the King and pass him on to wherever a ship was available. So on Monday, 6 October, at about ten in the morning, Charles rode away from Trent after having been there nineteen days, employing his time cooking his own meals, boring holes in gold coins, 'being a while sick', and listening to Francis telling the story of Sir Thomas Wyndham's charge to his five sons. He refused Francis's urgent request to be allowed to accompany him; and took leave of Lady Wyndham, of Anne, and of the household, 'not omitting the meanest who had served him'. 'But to the good old Lady Wyndham he vouchsafed more than ordinary respect.' 'She accounted it her highest honour that she had three sons and one grandchild slain in the defence of the father, and that she herself in her old age had been instrumental in the protection of the son, both Kings of England.'¹

¹ Clarendon, iii. 571; J. Heath, *A Chronicle of the Late Intestine War*, 300; A. Fea, *The Flight of the King*. Lady Wyndham's room can still be seen at Trent and the cache where Charles could secrete himself. Some heirlooms from the house connected with his stay are preserved

Charles's escape from his kingdom was also assisted by his Page of Honour. Thomas fought at Worcester and is mentioned as being a prisoner six days after the battle. Nevertheless, he succeeded in making his way to Trent House while the King was still hiding there, and he co-operated with Coventry and Phelips in arranging for the departure from it.¹ Soon afterwards he was recaptured with letters from the King in his possession and was tried for his life. Fortunately Lieutenant-General Fleetwood, who was his friend, presided over the court and saved him by his casting vote. He was released again in February 1652 and remained in England; but only to be tried for his life a second time after Penruddock's rebellion in 1655, and to be saved once more through the intervention of a friend. In this respect, like his brother Hugh, he could not complain of ill fortune.²

During the Scottish interlude and Charles's invasion of England, Edmund Wyndham remained on the Continent in the post to which he had been promoted instead of the Secretaryship of State. It had the long and imposing title of 'Agent for the Fleet and for Maritime Affairs, Receiver of the King's fifteenths on all prizes and Factor for all men-of-war in all the sea-ports of the United Provinces, Denmark, Picardy and Normandy'. The duties and revenues of this high-sounding office were more imaginary than real, dependent as they were on Rupert's fleet and the few royal privateers. The potential income consisted of the

at Newton House, the home of the Harbins. Francis's daughter Elizabeth married William Harbin.

¹ Thomas's wife is one authority for the statement that he was at Trent. See *Cal. S.P. Dom. Car. II*, ix. 55, 323, 617. Another authority is a memorandum said to have been written by a Wyndham of Kentsford in 1720.

² *Ibid.* and *Cal. S.P. Commonwealth*, 1651, 417; 1651-2, 76, 548, 551.

King's fifteenths, and, as Edmund was also Receiver for the Duke of York, of the Duke's tenths of all cargoes of ships taken as prizes; and in addition a commission of 2 per cent. on all factorage done for the fleet. This last source of income never brought in anything at all, and the two former were, as we shall see, highly precarious and always heavily forestalled. Edmund made Boulogne his head-quarters and spent some of his superabundant leisure making friends with 'the pious bishop of that place', discussing with him at large the Articles, Canons, and Liturgy of the Church of England. He got the Common Prayer Book translated into French, which 'so wonderfully pleased the bishop that he resolved upon the King's return to come into England and end his days in the communion of our church, and had certainly done so, had he not died before His Majesty's restoration'.¹

The task of converting a French bishop to the Anglican communion was certainly less exacting than was meeting the demands put upon Edmund as Receiver of the King's fifteenths and the Duke's tenths. Warrants calling on him to make payments could be issued with embarrassing facility, but there was seldom any money to meet them. In May 1651, for example, the King ordered him to pay John Aiton, 'our Gentleman Usher Daily Waiter', £100 'out of such moneys as you have received or shall next receive for our use'. In July the Duke sent him a warrant to pay Ormonde in Ireland 5,000 guilders a year. In February 1652 he issued another warrant in favour of a Colonel Smith. Smith was in such 'an extremity of want' that Sir George Radcliffe, who was the Duke's principal adviser, advanced him the money at The Hague, hoping to receive it again. But Edmund could only 'promise

¹ *The Heroic Elegy.*

to pay when money comes in', and Radcliffe's threatening letters contributed nothing to that end.¹

When a prize was at last captured, Edmund's position became still more difficult, for no one could then understand why he should not be paid. Two were brought into Calais early in 1654, just at a time when negotiations for a treaty between France and the Commonwealth were on the point of opening. The French government demurred to their sale, fearing that it might prejudice the treaty. Nevertheless, sold they were, and the King's fifteenth amounted to 300 livres. He at once issued a warrant to pay 350 livres to Sir William Fleming, who had been his emissary to Montrose. Fleming hurried to Edmund, who refused to pay him the money. He pointed out that he already held unpaid warrants worth 40,000 livres; that he had received only 300 on account of the prizes, and that this meagre sum represented almost all his revenue for the last two years. He had, he went on to explain, taken the 300 livres for himself in part-payment of 1,000 livres which he had advanced upon former warrants and because he had a previous order from the King to draw 2,500 livres for himself. This was an undiplomatic and tactless way of coping with the situation. It put him in the position of deliberately disobeying the King's order, of deciding on his own authority which of the outstanding warrants was to have priority, and of favouring himself at the expense of others. He got a very tart rebuke from Charles. The King, it said, had not authorized any payments in advance on other warrants, neither would he put it out of his power to determine to what purpose any particular receipt should be assigned, or which warrant should be first satisfied.

¹ Add. MSS. 15856, f. 207; *H.M.C., Ormonde*, i. 172; Longleat, 101, 123.

He therefore again required Edmund to pay the full amount, whether 300 or 350 livres, to Fleming. He ended by saying that he was not willing to believe that this reiterated command would meet with disobedience.¹ No doubt Edmund paid over the 300, and so fell again a little deeper into debt. But then everybody else connected with Charles was in the same position.

We must now return to England and see how the Commonwealth was faring. Having eliminated the Crown, the symbol of authority, the new government was perplexed to find a constitutional basis for its existence. Having also demolished the old legislature and executive, it had to improvise some working substitutes for them. In this it failed. The old jealousies between the army and the House of Commons and the sectarian breach between the Presbyterians and the Independents made any agreed solution impossible. In 1653 the army took up the task of constitution-making and in December produced a scheme called the 'Instrument of Government' that was put into operation. But it collapsed when the Parliament elected under it was dissolved by Cromwell contrary to its provisions on 22 January 1655. And with it disappeared any expression of popular consent to his rule. Force alone now became his authority. No sooner did he find himself in this, to him unwelcome, predicament than the validity of his government was challenged from two quarters. The first arose out of royalist disaffection.

Charles's supporters were always talking and writing of plots and rebellions, and with such freedom that their schemes were as well known to Cromwell as to themselves.² He was thoroughly well informed on the

¹ *Cal. Clarendon S.P.* ii. 323, 332, 338, 364.

² Five letters of this kind, written by Edmund from Boulogne, are printed in *Thurloe Papers*, v.

preparations made by the secret committee, called 'The Sealed Knot', that had been created in December 1653 to co-ordinate plans for royalist risings and to appoint people to carry them out. Under its aegis a great rising was timed to begin on 14 February 1655, and as part of it Francis Wyndham of Trent and Sir Hugh Wyndham of Pilsdon were to be charged with the duty of securing Taunton for the King.¹ Once more, however, the blunderbuss misfired. The royalists were expecting to gain advantage and assistance from political unrest in the army. But any chance of this was scotched by Cromwell arresting the dissatisfied commanding officers. His prompt action jerked the plan of 'The Sealed Knot' out of gear and a desultory rising in the north and Penruddock's feeble demonstration in Wiltshire were its only fruits. We are only concerned with the latter. It was easily suppressed. But after Force had thus demonstrated its efficacy, a difficulty arose over the trial of the culprits. How could Commissions of Oyer and Terminer issued to this end on no greater authority than the 'Instrument of Government' be valid? The judges, among whom was Hugh Wyndham of Silton, found this fence difficult to negotiate and were unwilling to serve.

Hugh, it will be remembered, was the eighth son of John and Joan Portman. Called to the Bar at Lincoln's Inn in 1629, he became a Bencher in 1648. By that time he had lost his first wife, by whom alone he had any children,² and had married Elizabeth, widow of Sir Henry Berkeley of Wymondham in Leicestershire. Both he and his wife were looked upon with some

¹ E. Scott, *The Travels of the King*.

² His first wife was Jane, daughter of Sir Thomas Woodhouse of Kimberley. By her he had two sons and three daughters. His third wife was the widow of Sir Edward Hooper of Beveridge, Dorsetshire.

suspicion by the Commonwealth; and in 1651 Siltou was searched by order of the Council of State, upon information that some design against the peace had lately been brewing in it, and that some persons and papers connected with a plot might be discovered there.¹ The search produced nothing incriminating, and Hugh was able to continue his practice at the Bar and to become a serjeant in 1654. He had, moreover, advanced sufficiently in the confidence of the Commonwealth government to be made a temporary judge of the Northern Circuit in that same year and to be raised to the Bench of Common Pleas. He accepted the promotion, although he shared the qualms of other members of his profession as to the Protector's right to make it. So also with the Commission of Oyer and Terminer to try the Penruddock prisoners, although Hugh served on it, he did so, he declared after the Restoration, only in order to protect the accused as much as he could.² The excuse is supported by the evidence of one observer who was present when the Commission sat at Salisbury. It was then composed of John Lisle, a regicide who had to fly the country when Charles II returned; John Glynne, a Presbyterian who had been excluded from Parliament in Pride's Purge and was now 'Serjeant to the Protector'; Robert Nicholas, who had assisted in prosecuting Laud and was now a Baron of the Exchequer; William Steele, a regicide but for an opportune illness, and now Recorder of London; and Mr. Justice Wyndham, 'who gave the charge and managed chiefly the business'. Ten persons were arraigned, three were acquitted, six convicted, and one confessed. We are assured by the aforesaid observer that had it not been for the zeal of Lisle,

¹ *Cal. S.P. Commonwealth*, iii.

² *H.M.C., 3rd Report, House of Lords*, 91.

Steele, and Glynne 'not a man had been condemned' in spite of the Jury having been packed with 'honest and well-affected persons'. At Dorchester, again, Hugh delivered the charge and managed the trial, this time of seven prisoners, of whom three were acquitted, three convicted, and one confessed. Further sittings were held at Chard and Exeter, but Hugh, to his relief, took no part in them.¹ He afterwards declared that 'his tears at the time of judgment spake his grief' at his failure to save all the accused.

One sufferer from these disturbances was Francis of Trent. Because of his alleged undertaking to conduct a party of horse to destroy the Protectorate troops at Taunton, he was arrested and imprisoned in Bristol. A certain Dowthwayte informed against him, unsupported by any other evidence, and Francis appealed to the Protector. He denied that he was even acquainted with Dowthwayte or had ever corresponded with him. He petitioned to be set at liberty and to be allowed to return to his afflicted family, engaging to render himself a prisoner if hereafter he should be found guilty of the charge. On these terms he was released.² It was over Penruddock's rebellion also that, according to family tradition, Thomas Wyndham of Tale managed a second time to escape with his freedom from an accusation of high treason.³

The second quarter from which the legality of Cromwell's government was challenged was the City of London. A merchant named Cony, 'an eminent fanatic and one who had hitherto served him very faithfully', refused to pay customs, declaring that all who submitted to pay illegal taxes were greater enemies to their

¹ *Thurloe Papers*, iii. 376-7, 377-8.

² *Ibid.* iii. 397. There was a general jail-delivery of royalists in October.

³ Hughes, *Boscobel Tracts*.

country than those who imposed them. An appeal by the Protector to 'their old kindness and friendship' having failed to move Cony, he was committed to prison; and at once retorted by instituting an action of habeas corpus and by briefing Serjeants Twisden and Maynard, and Wadham Wyndham¹ as his Counsel. The weakness of the government's case was apparent in the first day's hearing. The argument of Counsel that 'an order by the Protector and his Council for the receiving of customs was no more than the private order of a Council table' was difficult to confute, and the Attorney-General took refuge in adjournment. The delay gave Cromwell the opportunity of applying the force on which he depended. The three advocates were summoned to Westminster Hall, where, after a long wait, they were admitted to his presence and told that they were 'factious persons and traitors to the Commonwealth', and that 'if they would have Magna Carta (which they had so much talked on) they must put on each a helmet and troop for it'. They were then committed to the Tower 'in several coaches that they might not confer together'.² Meanwhile Chief Justice Rolle, who had presided at the first day's hearing and had not interrupted the arguments of Cony's lawyers, was rated by the Council for his remissness and soon afterwards resigned. He was succeeded by John Glynne, who could be relied upon to pass judgement for the government. In these circumstances Cony recognized that further resistance was futile, and he and his advocates submitted and were released.

In reply to these attacks on his constitutional posi-

¹ Wadham was called to the Bar at Lincoln's Inn in 1636 and became a Bencher in the same year as Hugh. But, unlike Hugh, he did not become a Serjeant until the Restoration.

² Clarendon, iii. 864; *Clarke Papers*, iii. 40; *Nicholas Papers*, ii. 353; *H.M.C., Duke of Sutherland*, 180.

tion the Protector reinforced his personal rule over the country by placing it under thirteen Major-Generals, one of whom, Desborough, had command in the west, including the counties of Gloucester, Wilts, Dorset, Somerset, Devon, and Cornwall. Their instructions at first ordered them to keep a watch on royalists, to recruit a militia that might help to relieve Cromwell of his dependence upon the army, and to extract from royalists contributions of a tenth of their incomes towards its cost. Soon afterwards they were endowed with wide puritanical powers covering the suppression of vice and the encouragement of virtue, and which earned them much unpopularity as bringing the naked rule of the sword into every home. Still more did royalists resent having to pay a tenth of their incomes to a government that in their view had no constitutional right, except the sword, to exact it. Lists of them in each county, who should be called upon to pay, were furnished to the Major-Generals. Of the Wyndhams, only Francis of Trent and Hugh of Pilsdon were included, and when Desborough summoned the latter, he 'shewed such frowardness and averseness' that he had to be dealt with 'very plainly and indeed roundly' before he submitted.¹

It is not surprising that in these disturbing circumstances Cromwell failed to find a basis of consent for his government before he died on 3 September 1658. He summoned Parliament in September 1656, but forcibly excluded from it all members not approved of by the Council of State. Thus truncated, it attempted in 'The Humble Petition and Advice' to recreate a semblance of the old constitutional machinery. It proposed that he should become King and, when he refused, empowered him to name his successor. It

¹ *Thurloe Papers*, iv. 336; Add. MSS. 34012.

revived the second chamber as an assembly of his nominees. But neither reforms commanded any real consent; and when Parliament met for its second session on 20 January 1658, he was obliged to dissolve it in anger a fortnight later.

Ecclesiastical affairs were equally confused and unstable. Cromwell's toleration of all faiths save episcopacy and papacy, his dislike of the dominating bigotry of the Presbyterians, and his belief in Independency were obstacles to any fresh legal definition of Church government, and many old laws remained unrepealed that were inimical to his conceptions. One such had been passed in the first year of the reign of Edward VI, imposing penalties on all who spoke irreverently of the Sacrament and ordering that Communion should in future be given in both kinds to all who could rightly receive it.

Hugh Wyndham of Silton was confronted with this law when, as judge of assize at Lincoln in July 1658, some Presbyterian incumbents of church livings were arraigned before him for refusing to administer the Sacrament to parishioners whose religious opinions happened to be displeasing to them. The line he took on this thorny subject was eminently tolerant and judicial, but, for that very reason, was hotly resented by the Presbyters as depriving them of their exclusive pretensions to decide who should be admitted to 'the Ordinances of Christ'. While he exhorted the laity to reverence their pastors, he charged the clergy to be at unity among themselves, to be diligent in their office, and especially to administer the Sacrament to all that required it. 'For a Minister to deny it to such as will not pin their faith to his sleeve' was 'a tyranny beyond that of prelacy.' He went on to declare that it would be lawful for parishioners to refuse dues to a minister who

would not baptize children or administer the Sacrament 'to all but the ignorant and scandalous'. The grand jury at once showed their approval of these sentiments by forthwith presenting several ministers for not conforming to them. One was Thomas Palmer, incumbent of Aston-on-Trent, who was summoned by five of his flock. In his case Hugh advised the complainants to refuse to pay tithes unless allowed the Sacrament, and assured them that if they were sued in the courts the judges would protect them. Such plain speaking could not fail to rouse a hubbub and he was arraigned before the Council of State and removed from the bench in October. But apparently only as a gesture of disapproval and to make him recant, for he was reappointed in the following month.¹

Richard Cromwell had now begun his ephemeral career as Protector, and he summoned a Parliament in January 1659. Among the members was Sir William Wyndham of Orchard, who was returned for Taunton. Since the death of his father in 1649 he had been the head of the family. He was now twenty-seven years old and was married to Frances, daughter of Anthony Hungerford of Farley Castle in Wiltshire. He had shown his assent to the new order immediately after the execution of Charles I by accepting a pardon from the House of Commons in 1650 and by obtaining from the Council of State a warrant to go abroad with a tutor on condition that he took the engagement to be faithful to the Commonwealth. He fulfilled the undertaking by doing all he could to heal the divisions left by the Civil War,² and his conciliatory efforts were

¹ *Cal. S.P. Commonwealth*, xii. 194-6; *H.M.C., 5th Report, Duke of Sutherland*, 146; *Foss, Judges; Clarke Papers*, iii. 164.

² William's tomb in St. Decuman's records that he 'like another Curtius devoted himself and his very weighty interest to closing the dreadful breach of the late monstrous divisions'.

rewarded by Oliver Cromwell with a baronetcy, a promotion that, after some hesitation, Charles II confirmed. His sister Katherine, too, in her small way has lived in local romance on account of the faithful attachment to her of a Mr. Tanner. He made a proposal for her hand, but her father hesitated, thinking it inadequate. The delay gave Charles Speccot, a man of great estate, the chance to step in with the offer of a larger settlement and jointure. Katherine was therefore married to Speccot, and Tanner went disconsolate to France. Eighteen months later, being still inconsolable, he became subject to an irrepressible impulse to return home, he knew not why. He arrived in London and ten days later heard that Speccot had died. He posted at once to Thornbury in Devonshire, where Katherine was now a widow and the possessor of a large estate, and soon afterwards married her.¹

No such happy ending awaited Richard Cromwell in his dealings with Parliament and the army. He would like to have been wedded to Parliament, but the army declined to make way and insisted on his dissolving the House and so signing his own abdication. The old rump of the Long Parliament, that his father had dismissed so contemptuously in 1653, then reassembled in May 1659 and 'attempted to piece and mend that cracked government'; but with no success. We have a glimpse of their efforts as they affected the judges, whom they called on to swear to be faithful to them. But how could one swear to a government that had neither a Protector nor a King at its head, while the legislature was incomplete without the House of Lords? Several judges, including Hugh, 'buggled at it'. He happened to be 'at the waters for his health'. But he was expected back in London before the middle of July,

¹ D. Gilbert, *Parochial History of Cornwall*.

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when, it was presumed, he would take the oath in spite of his hesitations. And that is what happened. He swore as was required of him and was thereupon appointed to the Bench for the third time.¹

¹ *Nicholas Papers*, iv. 165; *Clarke Papers*, iv. 284.

XII

THE RESTORATION

WE need not here attempt any summary of the complicated events intervening between the reassembling of the Rump in May 1659 and its dissolution in March 1660. It was replaced by the 'Convention Parliament' which met on 25 April and brought Charles II back in May. Sir William Wyndham was again returned for Taunton.

Charles's return naturally aroused confident expectations among royalists, who had lost heavily during the Civil War and Interregnum, that he would now be able to restore their fortunes. Some of them had accused him of stinginess towards the end of his exile. Elizabeth Elliot, for example, writing from Brussels to her father, described him as having 'not the least good nature left, for with all I could say I was able to get but 100 guilders from him . . . he pretends poverty but I never in my life saw more bravery'. This was hard on Charles; and it is interesting to observe that Thomas Elliot, writing on the same day and with Elizabeth as his amanuensis, is more just to him, pointing out that the King had received no money from Spain for four months and was not likely to get any more in the future.¹ It looks as if Elizabeth shared her mother's rather overbearing, self-centred nature.

After the Restoration, however, royalists felt that they had a right to expect more. But here again the difficulties in the way were very great. Estates that had been sold to pay composition fines could not now be

¹ Clarendon MS. 59, ff. 236-7. Charles had signed a treaty with Spain in 1656 by which he was promised assistance.

resumed and returned to their former owners; nor could those foreclosed by mortgagees be redeemed. Nothing in fact could be done to re-establish Edmund's estate. It was lost beyond recovery. Moreover Hyde, now Earl of Clarendon, was Charles's leading Minister until 1667 and Edmund could not expect much sympathy from him. This is evident from the fact that not until just before Clarendon's fall did he feel it worth while to send in the full statement of his losses that we have already examined. In the meantime he remained attached to the Court as a Gentleman of the Privy Chamber and resumed the practice, that he and Christabella had followed before the Civil War, of seeking opportunities of profit-making. Her pull over the King as having been his nurse continued to be a prominent feature of their petitions. But after 1662 it disappears, as Christabella died about then and Edmund married again a few years later.¹ Meanwhile the several benefactions he received were as diverse as formerly. In 1662 he became one of the commissioners for the issue of wine licences. In 1665 he was granted a share of any fines that might be recovered from forgers and users of counterfeited 'public faith bills'. He and his colleagues were confident that they could 'discover the fraud of some persons guilty of these forgeries'. On the other hand, the preliminary researches cost money and the whole business was highly speculative. Ultimately the grant expired before Edmund derived any benefit from it. In 1666 he got £420 out of a sum of £770 paid by the owners of a cargo of logwood² that had been seized during the Interregnum and was now being returned to them on these conditions. He received many other like benefactions, including a share in a fine of £1,800 inflicted on a cheesemonger of

¹ See below, p. 278.

² Used in dyeing.

London for extortion. In 1667 he became Knight-Marshal of the Household, which brought in about £1,000 a year. Soon afterwards he joined in an attempt to de-water a lead mine near Chewton in the Mendips; but it failed and his interest was absorbed by a financially more powerful partnership of Bristol men.¹

The inadequacy of these compensations when compared with Edmund's sacrifices was alluded to, after his death, by the preacher of the Heroic Elegy:

'I am unwilling to relate the hard measure he met with for the good services of his whole life several years after the King's return; how long this great Gideon's fleece continued dry, when abundance of those about him, on whom one would have thought it impossible the rain would ever have fallen, were wet and moistened by the dew from above.'

The apparent neglect and the chance offered by the removal of Clarendon from office caused Edmund to send in the statement of his losses. It ended with a petition for a grant for twenty-one years of the moiety of all lands, expired leases, rents, and arrears not brought into charge by the corruption or the neglect of officers; much the same privilege as he and Christabella had sought thirty years previously. He was given the grant in March 1668 with certain saving clauses, and it was renewed in January 1672.²

Edmund happened to be engaged in May 1671 in prosecuting an inquiry into lands in various counties that he suspected were thus occupied corruptly, when he was called away to Kentsford to the bedside of his son Hugh, who was dangerously ill. To leave the investigation half completed after he had spent much money on it would only allow others 'to build on my foundation', and he sought the protection of the Secre-

¹ *Somerset Record Society*, xlv. 75-7, 88-91.

² *Cal. S.P. Dom. Car. II*, viii. 309; xii. 89.

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tary of State, 'because I would have no man take the bird while I and my friends are beating the bush'.¹ Being reassured on the point, he went to Hugh's death-bed. Hugh also had kept up a bombardment of petitions to the King. He had asked for the office of laying chains in the Thames for the mooring of ships, for an estate he hoped to 'discover' in Luxborough, and for a post in the customs at Bridgwater. He was successful in the last. In 1668 he became 'collector' there and continued so until his death.² Apart from this, his wife's family connexions were against him and he died a disappointed man, venting his feelings in his epitaph in St. Decuman's:

Here lyes beneath this ragged stone
One more his Prince's than his own;
And in his martyr'd father's wars
Lost fortune, blood—gained nought but scars;
And for his sufferings as reward
Had neither countenance nor regard.

Hugh's three younger brothers, Thomas of Tale, Charles, and John all eventually received rewards. Thomas became one of the King's Equerries with a pension of £200 a year until he was promoted to be Groom of the Bedchamber in 1673 and was paid £52 extra as lodging allowance. Five years later his emoluments were raised to £500 a year for life. At the same time he was granted a lease for thirty years at a rent of 6s. 8d. of a plot of land in the Greencloth Yard (Scotland Yard) of the Palace of Whitehall, on which he had built himself a house at a cost of £439. 13s. 4d.³ Then in 1673 his second wife, Winifred Welles, was sworn as a Dresser to the Queen at a salary of £300,

¹ *Cal. S.P. Dom. Car. II*, ix. 260; *Cal. Treasury Books*, iii. 855-6.

² *Ibid.* ii. 513; iii. 176, 926.

³ *Ibid.* v. 1056, 1451. The pension was five years in arrear in 1670.

with £60 a year board wages in lieu of diet.¹ She seems to have got on well with Queen Catherine judging by the following account of a picnic in Windsor Forest in September 1675 :²

‘All the Queen’s servants treated her by everyone bringing their dish who then attended her into the forest and she eat under a tree. Lady Bath’s dish was a chine of beef, Mrs. Wyndham’s a venison pasty; but Mr. Hall brought two dozen ruffs and reeves³ and delicate baskets of fruit. Mr. Chiffinch for his daughter’s behalf 12 dozen of choice wine. The Queen wonderfully pleased and merry and none but herself and her servants.’

John, with Edward Phillips as his partner, became in November 1662 the farmer of the excise in Somerset at a rent of £4,400 a year. But the Commissioners were obliged to take it away from him a year later; and soon afterwards he lost his life in the Dutch war of 1665.⁴ Charles got a pension of £120 for his services as Page of Honour during the King’s exile, and a commission in the Earl of Oxford’s Regiment of Horse.⁵ We shall meet both Thomas and Charles again. Their sister, Charlotta Maria, as the King’s god-daughter, also received some benefactions and was not backward in asking for them.⁶ Thomas Elliott became Master of the Harrier Hounds and a Groom of the Chamber. And after his death, Elizabeth married Thomas Walker of London, who was Housekeeper of the King’s House at Newmarket. So she was provided for.

Naturally the highest rewards of all fell to Francis

¹ Thomas’s first wife, Elizabeth Warre, died about 1671. *Cal. S.P. Dom. Car. II*, ii. 439; x. 635; xv. 435, 456, 591; xxi. 130.

² *H.M.C., 12th Report*, Part V, *Belvoir Castle*.

³ Male and female sandpipers.

⁴ *Cal. Treasury Books, 1660–7*, 428, 489. See below, p. 274.

⁵ *Cal. S.P. Dom. Car. II*, ii. 631; vii. 541; x. 14; xv. 462. This regiment became the Blues. ⁶ *Ibid.* x. 253; xix. 125; xxii. 60, 355.

Wyndham of Trent for his services to Charles after the battle of Worcester. He received the thanks of the House of Commons, the Speaker addressing him as follows:¹

‘Mr. Wyndham, you perceive what notice the House hath taken of your great and eminent service, whereby it pleased God to make you instrumental in the safeguard and preservation of His Majesty’s sacred Person: a Blessing we have all so great an interest in. We have had many despairing years, and by your means we have been raised out of the grave of despair and confusion. And therefore I am commanded in the name of this House and of those they represent, the Commons of England, to give you, and I do accordingly give you, hearty thanks.’

To these sentiments the Lords gave ‘cheerful concurrence’. The House also voted Francis £1,000 charged on the excise² ‘for the buying of a jewel, for his great and eminent services’, and in addition granted him a pension of £600 with reversion to his heirs. Anne also got a pension of £400 seven years later on the same terms. Unfortunately there was a large hiatus between the making of such grants and their translation into cash payments. Charles was generally short of money and pensions and other charges were constantly in arrear. Hence in 1670 an effort was made to capitalize the pension by paying Francis a lump sum of £10,800 out of the receipts from Crown lands. But nothing came of it; and three years later a warrant was issued to pay the £600 out of the excise on beer and ale. But no improvement resulted. At the same time Francis was made a baronet and the sum of £1,095 which was payable to the King on the occasion was remitted and no doubt set against the accumulated arrears of pension. Anne surrendered her pension in 1685 in ex-

¹ *J.H.C.* 17 Dec. 1660.

² *Cal. Treasury Books*, 1660-7, 212.

change for two life pensions of £200 for her daughters. But these in turn were seldom paid.¹

The Restoration rudely interrupted Hugh Wyndham of Silton's agitated and embarrassed career on the bench. He was at once called to account for having sat in judgement on Penruddock's men and was imprisoned in the Tower while his conduct was being investigated. He was alleged to have declared that to levy war on any government that was in power was treasonable under the Act of Edward III. In his defence he denied having ever made such a remark, which, in any case, would have been 'no more than an error of opinion', and, as to his sitting in trial of Penruddock's men, he had done so 'only by the soliciting and earnest importunity of divers of His Majesty's party' and in order to save the accused if he could.² These explanations and excuses were accepted, he was pardoned and released, and was allowed to resume his practice as a serjeant. But he did not return to the bench until he was appointed for the fourth time in 1670 to be a Baron of the Exchequer, and was knighted.

On the other hand, the Restoration brought immediate promotion to Hugh's younger brother Wadham. He had accepted nothing from Cromwell, except imprisonment for his part in the Cony case, and his estate had been at one time sequestrated. He was now made a serjeant, was called into consultation concerning the regicides, was employed as one of the Counsel for their prosecution, was knighted and was elevated to the bench before the end of the year. He died on Christmas eve 1668 at Norrington, his country-house in Wiltshire,

¹ *Cal. S.P. Dom. Car. II*, x. 223; xv. 503, 585; xvi. 34. *Cal. Treasury Books*, iii. 697. A. Fea, *The Flight of the King*, gives all particulars concerning these pensions.

² *H.M.C., 3rd Report, House of Lords*, 91.

having established a reputation for 'a calm and sedate temper on the bench' which caused him to be still accounted thirty years later as 'the second best judge in Westminster Hall since the King's Restoration'.¹ He was a member of the court that tried the case of *Manby v. Scott*, raising the question of the right of a wife living separately from her husband to order goods on his account. Lady Scott having left Sir Edward, he forbade several persons to deliver goods to her and warned them that he would refuse to pay. Nevertheless, Manby sold her silk and velvet to the value of £40 and got the jury at the assize court to find that such materials were necessaries suitable to her degree. When the cause came before four judges of the King's Bench, two agreed with the jury and two, the Chief Justice and Wadham, took the opposite view on the ground that a woman had no innate or uncontrollable power to charge her husband. In arguing the point Wadham cited inconveniences that its negation might create. 'Women', he declared, 'would be their own carvers and like hawks they would fly abroad and prey for themselves.' 'The husband would be accounted the common enemy.' 'It would be left to the liberty of a London Jury to clothe my wife in what apparel it pleased them.' 'Women, when they thought they had not sufficient, would have this tried by a mercer—whether her dress was too base, and thus the mercer would be made judge whether he sold the wares or not.'² There is no evidence that these caustic comments found any root in Wadham's own married life. His wife was Barbara, daughter of Sir George Clarke of Watford in Northamptonshire. By her he had six sons and four daughters, from whom descend the Wyndhams of Dinton, now of Orchard Wyndham, the only

¹ Siderfin, *Reports*, 393; Foss.

² Siderfin, 109–30.

surviving legitimate branch of the family. Barbara certainly never gave a London jury any opportunity to decide in what apparel she should be clothed, and Wadham delivered his judgement regardless of any personal considerations.

One of the last duties Sir Wadham performed was to join with the other judges in settling disputes over boundaries in London after the Great Fire of September 1666. Hugh also was employed on the same task, and, as a consequence, their full-length portraits were hung in the Guildhall, where they may still be seen.

The Restoration made little difference to Sir Hugh Wyndham of Pilsdon. He was now an old man and died in 1663. The last glimpse we get of him is a letter he wrote to his son-in-law, William Helyer of Coker, Sheriff of Somerset, on 27 February 1661. In it he announced his amiable intention of laying in a hogs-head of sack and two of claret in his son-in-law's cellar and asked for the key.¹ Sir George Wyndham of Cromer also gained nothing from the Restoration. He petitioned for a renewal of his place as a Gentleman Pensioner.² But he was not given it and he died in 1663. On the other hand, his son Francis, who had shared in the King's exile, received a commission in the Earl of Oxford's regiment in 1661.³ Young Sir William Wyndham of Orchard lost the baronetcy that he had so rashly accepted from Cromwell. But only temporarily. He was always at heart a royalist and must have used his influence in favour of the Restoration, for when Charles II first met him he greeted him with: 'Good morning Mr. Wyndham, but you shall not lose your baronetcy.' Nevertheless, he had to sit as an Esquire in the latter part of the Convention

¹ *Notes and Queries, Somerset and Dorset*, xix. 191.

² *Cal. S.P. Dom. Car. II*, i. 32.

³ *Ibid.* ii. 157; xviii. 227.

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Parliament and during the first few months of the Cavalier Parliament, until his title was restored to him in November 1661, without exacting a second payment of the fee of £1,095.¹

Having completed this survey of the effect of the Restoration on various members of the family, we must now turn our attention to certain aspects of the political history of the years following it. The Convention Parliament was dissolved in December 1660 and was replaced by the 'Cavalier Parliament' that survived until January 1679. It was as royalist and Anglican as the other Long Parliament had been the reverse. Edmund was returned for Bridgwater. His son Hugh sat for Minehead until his death in 1671, when he was succeeded by his brother Thomas of Tale. William again represented Taunton, and Francis of Trent, who had filled a vacancy for the Borough of Milborne Port in the Convention Parliament, sat again for it. His right to do so, however, had to be referred to the Committee of Elections and Privileges, of which William and Hugh were members, because two contradictory returns had been sent in from the borough, one announcing his victory, the other his defeat. After an inquiry the Committee decided that he should be allowed to take his seat. Having thus become a member of Parliament he bought himself a house in Pall Mall,² being confident that he was not likely to be unseated.

All four were at first equally active members and

¹ *Cal. S.P. Dom. Car. II*, ii. 159; *Cal. Treasury Books*, 1660-7, 316. Charles II's remark is a family tradition.

² *J.H.C.* 17. v. 63. After buying the house Francis was threatened with an action for eviction by another person than him from whom he had bought it. He was forced to secure an order of the Commons staying all legal proceedings against him during the sittings of Parliament.

served on a great variety of committees which it would be tedious to enumerate. All, too, with the possible exception of William, welcomed the opportunity to put the political clock back to the time before the Long Parliament dared to legislate without Charles I. Amongst the first Acts passed was one that declared that no legislation was possible without the King. Another, the Corporation Act, on the committee of which sat Edmund and Hugh, excluded Nonconformists and political opponents of the government from serving on the governing bodies of corporate towns. Another restored to the King the command of the militia and other forces. Another repealed the Triennial Act of 1641, which had provided that if the King failed to summon Parliament for three years writs should be issued without his authority. To this last there was some opposition, and in February 1668 Sir Richard Temple introduced a Bill to restore the old law. His action drew from Hugh the one speech that is recorded as having been delivered by him or his relatives. Hugh was highly incensed by Temple's presumption and getting up exclaimed angrily: 'This bill is brought in I had almost said with impudence.' The words drew protests from many members as being themselves 'impudently brought in', and he was called upon to withdraw them. But he refused either to apologize or explain, and the matter was allowed to drop.¹ At the same time the Bill was directed to be withdrawn as 'not orderly brought in'. Nevertheless, Parliament could not put back the clock. Its very actions in setting out to do so were evidences that it was now more powerful and that the initiative lay with it. It had restored the King; but it was not prepared to give him a free hand. On the contrary it imposed on him a

¹ *Parl. History*, iv. 410.

narrow Anglican ecclesiastical policy of which he disapproved and simultaneously re-enacted puritanical legislation with which he was out of sympathy. It kept him continuously short of money and drove him into a costly war with the Dutch that he deprecated.

The ecclesiastical legislation was frankly intolerant. An Act of Uniformity was passed imposing acceptance of a new and revised prayer book on all clergy, fellows of colleges, tutors, and schoolmasters. Edmund and Hugh served on the committee to which it was referred. They were also on the committee of the Bill forbidding Quakers and other schismatics to meet together for worship, a prohibition that in 1664 was extended to Presbyterians and Independents. Hereafter the hunting down of 'Conventicles' became part of the duties of citizens and Edmund and Hugh were active in it. Taunton was a frequent source of trouble in this respect. Some of its townsmen, recollecting with pride their services to the parliamentary cause in the Civil War, insisted on celebrating annually their defeat of the King's forces, and in 1668 they committed such great insolences that the government was obliged to instruct the Lord Lieutenant of the county to send for information upon oath. He appointed Hugh and a certain Mr. Rogers, both Deputy Lieutenants, to carry out the inquiry, and the conclusion they reached was that only the 'meaner' inhabitants thus misbehaved themselves and that 'the substantial part of the town was much scandalized'. Nevertheless, a few years later an observer found that the Conventicles in Taunton were 'very high' and refused to abandon their meetings, while some of the magistrates, amongst whom William Wyndham was named, were lax about putting the law into execution. It was William's constituency and no doubt he still hankered after his pre-Restoration policy

of appeasement. 'Two words from above', the writer declared, would bring the justices to their senses and the whole of the west would be subdued.¹ Edmund at any rate was not backward in the cause. In July 1670, for example, he apprehended a certain Major Humes, 'a dangerous man', with papers, one of which, containing the names of 'factious conventicle preachers', he attempted to destroy. Another reported an apparition that had been seen by nineteen persons in Durham foretelling unrest. He was lodged in the Tower and Edmund forwarded the papers to the Secretary of State.² The Conventicles, however, were irrepressible and the Nonconformists, having been excluded from the Church by the Act of Uniformity, established themselves outside of it, although leaving their impress on it. Laws smacking of the Conventicle continued to be much in fashion long after the passing of the Act of Uniformity. The Bill for the Better Observance of the Lord's Day, on the committee for which both Edmund and Francis served; and the Bill to prevent licentiousness, profaneness, and impiety, in which Edmund was interested, may be quoted as examples.³

As to finances, the Convention Parliament had assigned the King revenues calculated to produce an annual income of £1,200,000. In the first year the receipts fell short of that total by no less than £265,000, and a committee was appointed,⁴ on which Edmund, Francis, and Hugh served, to go into the matter. The difficulty in the way of any real remedy lay in the fact that the two sides of the budget were separately supervised. The King in his Privy Council controlled expenditure, while Parliament voted a revenue from

¹ *H.M.C.*, 12th Report, Part VII, 56; *Cal. S.P. Dom. Car. II*, xxiii. 97.

² *Ibid.* x. 320.

³ *J.H.C.* 10. v. 62; 29. iv. 63.

⁴ *Ibid.* 18. vi. 61.

taxes whose yield it had no means of forecasting with any accuracy. To meet the deficiency it increased the excise: it instituted a hearth tax, an unpopular imposition involving domiciliary visits of tax collectors, or 'chimney-men' as they were called, to count the home fires; it revived the Tudor and early Stuart 'subsidies' that Parliament had from time to time voted to meet special needs and which under the Commonwealth had been transformed into 'monthly assessments' on property, each county and town being charged a specified sum and being left to collect it by a rate. Even so, when war was declared against the Dutch the King was £2,000,000 in debt.

The Dutch war of 1665-7 was one episode in the imperial and commercial rivalry between Holland and England during the seventeenth century. It was fought entirely at sea, and among those who lost their lives in it was Edmund's son John. Having failed to make a success of the farm of the Somerset Excise he volunteered to serve in the fleet. He was a friend of the young and dissolute Lord Rochester, the son of the Lord Wilmot who had accompanied Charles in his wanderings after Worcester, and of Henry Montagu, whose grandfather had died in 1644 a prisoner in the Tower in the hands of Parliament. The three joined the fleet together. Montagu was convinced that he would never return alive. John had the same presentiment, but was not so sure of its truth. Rochester was not troubled by the same anticipation, but had peculiar notions about the character of the soul which made him believe that communications from the dead could be arranged. Accordingly he and John entered into a formal agreement, ratified by religious ceremonies, that if either were killed he should appear and give the other a description of the future state, if there was one. The

bond was put to the test on 2 August 1665, when John and Montagu were slain by the same cannon ball in an unsuccessful attack on some Dutch East Indiamen in the neutral port of Bergen. Needless to say, John failed to keep his post-mortem appointment and Rochester was bitterly disappointed.¹

The ill management of the financial side of the war caused Parliament to take a step towards assuming control over expenditure. Before war was declared in March, the Commons had voted £2,500,000 for the navy to be spread over three years. A year later, at a session held at Oxford on account of the Plague, they heard that the whole sum had been already expended. They were moved, therefore, to attach to a further vote of £1,250,000 a proviso that the money should be used only for the purposes of war, thus restricting the executive's liberty and invading its territory. The amount was quite inadequate even with this limitation on its use, and in the session of 1666-7 war finance was the principal subject of discussion.

'We are still', wrote Edmund in November 1666 to a Pyne relative,² 'employed in Parliament about finding a way to raise the money designed for the carrying on of the war, in which we find a slowness of despatch, as we always shall do when we travel out of the usual road, for endeavouring to raise money by new ways we meet with difficulty in doing of it, we being willing to spare the land that hath hitherto borne all the burden of the war and of most other payments.'

The House had gone into Committee of Supply on 4 October 1666 with instructions to raise £1,800,000. It took over two and a half months of almost daily discussion to reach a decision. The easiest source of supply outside the King's regular revenue was the

¹ Wordsworth, *Ecclesiastical Biography*, 4th ed., iv. 612, 615.

² H.M.C., 9th Report, 494.

monthly assessment on property; but, as Edmund pointed out, members hoped to spare the land which 'for the last twenty-six years had borne the greater part of the burden'.¹ Several alternatives were suggested. An imposition on the consumption of commodities was one that was not adopted. A tax or stamp duty on sealed papers and parchments was another that was turned down after it had been referred to a committee on which Edmund served, and after a Bill had been introduced to give effect to it. Finally a poll tax was proposed and passed on a basis that was calculated to bring in £500,000 a year. This sum, when added to a vote of eleven months' assessment on property estimated to return £1,300,000, made up the required total, at any rate on paper. Meanwhile the delay and the continued failure to bring policy, revenue, and expenditure into their proper relationship enforced on the government the fatal economy of laying up ships and disbanding their crews before peace had been signed. Hence the Dutch were able to sail up the Thames and Medway in June 1667 and capture the *Royal Charles* and other ships. The same causes prompted Charles to make the Treaty of Dover by which he hoped to overcome his financial dependence on Parliament by taking subsidies from Louis XIV and eventually, with French help, to compass the restoration of England to Roman Catholicism. He was able to achieve neither end. The Protestant anti-French cause found an unforeseen champion in William of Orange, and Charles's financial embarrassments forced him to revert to Parliament and to assent to the Test Act, excluding Roman Catholics from office, as the price of its assistance.

It was in this session that Thomas Wyndham of Tale

¹ *Parl. Hist.* iv. 355; the Speaker's speech to the King.

took his seat for Minehead in the place of his brother Hugh. The time was opportune for entering politics, for Charles, recognizing the strength of the opposition to his Roman proclivities, now changed his policy and, during the next five years, Thomas Osborne, Earl of Danby, became his leading Minister. Danby was an Anglican and was opposed to France; and, more significant still, sought to secure the support of Parliament for his actions instead of striving to be independent of it. His method was simple enough. He set about to make it worth their while for members to vote as he required and so built up a Court Party. It is observable that a month after he became Lord Treasurer, Thomas was promoted to be a Groom of the Bedchamber, and his wife Winifred was appointed a dresser to the Queen at £360 a year. Thomas was also entrusted with the disbursement of secret service money and, when he accompanied the King to Newmarket, was the channel through whom Sir Joseph Williamson, Clerk of the Council, forwarded papers to the King.¹

Francis of Trent was still member for Milborne Port when Danby came into power, and he was created a baronet.² But he was now nearing his end. In August 1676 he was reported to be 'very sick at Bath' and was unable to obey a summons sent him 'in the King's name' to be present at the session that opened on 13 October 1675. He died in the following July. Edmund sat for Bridgwater until the Cavalier Parliament was dissolved in 1679, and during Danby's treasurership the gentle rain of minor benefits continued to fall on him. On the other hand, Sir William Wyndham reaped no material recompense. But as he

¹ *Cal. S.P. Dom. Car. II*, xvi. 245; xviii. 361, 371; xix. 390, 455.

² On 13 Nov. 1673.

was a friend of Williamson, to whom he entrusted the supervision of his son Edward's education at Queen's College, Oxford,¹ his sympathies were probably with the Court Party rather than with the opposition.

The further account of Danby's administration and what followed from it must be here deferred until the next chapter. The interest shifts to Norfolk because, apart from Thomas of Tale, the principal Somerset Wyndhams all died about this time. We have already alluded to Francis's death in 1676. Edmund died in 1683 of 'yellow jaundice', aged eighty-two, leaving behind him a widow whom he had married in 1667. She was at that time the relict of Richard Savage, brother of Earl Rivers, and her entry into the Wyndham family had not been welcomed by Christabella's sons and grandsons. Her name never appears in copies of the pedigree, an omission that may be partly due to her behaviour after Edmund's death. Finding herself short of money, she started an action at law claiming that Edmund had married her under false pretences. She declared that she had been in possession of over £5,000 in ready money, besides plate, jewels, and household stuff worth £1,500, when Edmund 'was very urgent and desirous of an intermarriage'. He told her, so she said, that he was seized in fee simple of manors and lands worth over £1,500 a year, while his post as Knight-Marshal brought in at least £1,500. On this understanding she agreed to marry him without a settlement, as indeed was natural, Edmund having nothing to settle. Nevertheless, she asserted that in 1677, after ten years of married life, during which she must have become painfully aware of Edmund's financial embarrassments, he went to the well-known Counsel and compiler of law reports, Mr. Siderfin, and

¹ See below, p. 301.

directed him to draw up a deed, which, she alleged, was placed in a trunk for safe keeping. In their reply Edmund's son, Thomas of Tale, and his grandson Edmund, the son of Hugh, described her 'as one of little or no reputation or fortune'. They even declared that they had 'no knowledge when, where or whether' the marriage had ever been solemnized. They denied that Edmund and she 'did cohabit and live together lovingly', and accused Elizabeth, not only of being very expensive to him but also by her life and conversation begetting 'the discontents and censures of many'. After Edmund died intestate they seized the trunk and refused to allow her access to it. Hence her suit, which on the face of it was absurd. The trunk when opened contained only 'waste and useless papers as old letters and such like'; and she must have been aware of Edmund's financial position when she married him and afterwards, for it was notorious to all and he made no secret of it.¹

In the same year that Edmund died, Sir William Wyndham departed this life 'of a palsey' in his fifty-first year. His health had failed since 1675 when he was taken dangerously ill with an apoplexy at the autumn assizes.² He did not stand again for the Parliaments of 1680 and 1681. He had always been more of a countryman than a politician, preferring hunting his hounds to being in London.³ He was interested, too, in local developments, including a scheme for converting Bridgwater into a ship-building centre for the

¹ Chancery Proceedings before 1714; Bridges, 65-6, 197-8.

² H.M.C., *Portland MSS.* iii. 352.

³ His hounds were not always welcomed by his neighbours. On one occasion an irate farmer meeting him on the highway said to him: 'You rogue, take heed how you come in my ground hunting, if thou dost, come at thine own adventure for I will kill your dogs.' *Somerset Record Society*, xxviii. 343.

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navy and for canalizing its river in order to reduce the risk of floods. He energetically pushed the trade of Watchet, even to the length of supporting smugglers in order to avoid paying the customs at Minehead.¹ That he did so seems to have been well known and caused no scandal; and there was a great concourse of gentry at his funeral.²

In the following year Sir Hugh Wyndham of Silton passed away aged eighty-two, dying in harness while on circuit in Norwich. He had been too much the plaything of fortune to be great. No other judge can ever have submitted to being so frequently appointed and reappointed to the bench. Nevertheless, he rose to a position of some eminence, living while in London at 44 Lincoln's Inn Fields in the mansion known as the 'Two Black Griffins' because its gateposts were surmounted by griffins: and being much respected by his neighbours at Silton. His monument in the little country church is a life-size statue in judge's robes under a rich canopy with two weeping female figures, the one holding a death's head, the other an hour-glass, at his feet. In the field below the church are the remains of an ancient oak tree called the 'Wyndham Oak', under which he is reputed to have administered a local patriarchal justice. If the story be true it is perhaps his best claim to judicial fame.³

¹ *Victoria County History, Somerset*, 352; *Notes and Queries, Somerset and Dorset*, xx. 34; *Cal. S.P. Dom. Car.* II, ii. 33; xi. 499.

² *Ibid.* xxvi. 124. The Bishop of Bath and Wells buried him.

³ There is no trace left of the manor-house at Silton in which Sir Hugh lived.

XIII

THE NORFOLK ELECTIONS

RETURNING to Norfolk, we must take up the history of the Windhams of Felbrigge. Thomas, it will be remembered, before he died in 1653, had one son, John, born of Elizabeth Lytton, and a family of four sons and two daughters by his second wife Elizabeth Mede. John survived his father twelve years, but, in spite of marrying four times, died childless in 1665.¹ Thomas, the eldest son of the Mede marriage, also died childless, of small-pox in 1661. The second son, William, therefore, inherited Felbrigge.² He came of age in 1668, and it is with him that this chapter is mainly concerned. But before we embark on his political experiences we must deal with the marriage of his elder sister Elizabeth to Viscount Maidstone in February 1667.

Heneage Finch, third Earl of Winchilsea, having sacrificed his estate for the King's cause in the Civil War, accepted the post of ambassador to Constantinople in 1661 chiefly, as he himself says, to pay the debts he had thus contracted, without having to sell his lands. He was at the time still married to the second of his four wives, Lady Mary Seymour. Their eldest son, Lord Maidstone, had been born about 1653. It was natural that his family should look forward to a rich match as a help towards restoring their fortunes, and in 1664, when the boy was only eleven, his father picked out a certain Miss Browne of Kent as being one 'whose age and fortune might make a proper wife for him'. But

¹ John had two children by his first wife, but they died in infancy.

² See Genealogy II.

Miss Browne had many suitors, and it was difficult from far-off Constantinople to hinder the entertainment of other matches for her. Meanwhile Maidstone, who was being educated at Cambridge, met Elizabeth Windham and her mother at her Uncle Mede's house in London, and in February 1667 married her. Elizabeth's portion under her father's will was only £1,500, a hopelessly inadequate contribution to the Finch fortunes. But apart from that consideration, the fact that Maidstone had at the early age of fourteen been married without the knowledge of his family was in itself a sufficient provocation. They did not hear of it until he arrived, in charge of his father's secretary, at Constantinople in May. They were horrified. Winchilsea at once sat down and wrote a series of letters to the most prominent people in England; the first to the King, whose intervention he implored 'most humbly upon my bended knees'. Another went to Sir Orlando Bridgeman, about to become Lord Keeper, asking his assistance to get the marriage annulled, or, failing that, to negotiate an agreement by which Elizabeth's portion should be increased to at least £5,000, under threat of an action *de filio rapto*. One letter to the Earl of Clarendon described the marriage as 'the foulest piece of fraud and abuse that hath been acted in this latter age in the world'. While in another, to the Earl of Southampton, Lord High Treasurer, he complained that the disaster had been 'drawn wholly upon me by my absence and attendance on my office'. To Lord Arlington, the Secretary of State, he pointed out that the nobility, whose quality called them more frequently than others to foreign embassies and so exposed them to such misfortunes, had a special claim for protection. Finally, to the Duchess of Somerset, his mother-in-law, he gave Maidstone's own account of what had happened:

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‘My son sweareth about two or three in the afternoon that day he was married that he was then made drunk by their putting wine into his beer and that as soon as the gentlewoman’s mother went out of the chamber he took his clothes and ran out of the room, and that since he never was in bed with her, and that neither at that time, when he was abed with her or since, did he enjoy her, nor doth he know whether she be man or woman.’

By August, however, he was able to announce that ‘I thank God I have learnt patiently to support the unfortunate miscarriage of my son’. Although Elizabeth had but a small fortune and was some years older than her husband, she was in other respects no worse than Miss Browne. But her married life was short, for Maidstone was slain by a cannon ball in the naval engagement of Southwold Bay against the Dutch in May 1672. She bore him a posthumous son who became fourth Earl of Winchilsea in 1689.¹

Thomas Windham left instructions in his will that his sons should be brought up ‘in a scholarlike way’ and that as soon as they had passed through Eton, Winchester, or Westminster they should go to the University. No details have survived as to how these precepts were carried out with William, but under them he developed into a rather diffident retiring man who preferred his home life above everything. Politically he inclined towards the anti-Court Whig opposition that Charles’s relations with France and Roman Catholicism and Danby’s administration engendered. In this he was encouraged by his local connexions. The year after he came of age he married Katherine Ashe. Her sister Mary was the wife of Lord Townshend of

¹ The papers dealing with this subject are among the MSS. at Burley-on-the-Hill, and I have to thank Mr. Somerset Finch for letting me use them.

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Raynham, who had taken a prominent part in restoring Charles to the throne and had been rewarded with the Lord-Lieutenancy of the county. But he was alienated by subsequent events, and in March 1676 was superseded by Robert Paston, Lord Yarmouth, who, as an intimate friend of Danby's, had moved in the other direction and become a reliable member of the Court party. Another link was with Sir John Holland of Quidenham.¹ In the Civil War he had been a Presbyterian serving in the Long Parliament as a member for Norfolk until excluded by Pride's Purge, and a Colonel in the parliamentary army. He was a trustee of Thomas's will, and his son Thomas married Elizabeth Mede, William's first-cousin. William inherited also his father's friendship with Sir John Hobart of Blickling, a direct descendant of the executor of John Wyndham's will in 1475. Hobart had been one of those who joined with Thomas in 1643 in persuading his neighbours to take the Solemn League and Covenant. He had represented Norfolk in Commonwealth Parliaments. He had even been summoned by writ to be a member of the spurious House of Lords created in 1657 by the 'Humble Petition and Advice'. To men of such antecedents the Test Act of 1673 was entirely welcome; and immediately after its passage Townshend circulated his Deputy-Lieutenants, including Holland, Hobart, and William, calling on them to meet together in Norwich on the first day of quarter sessions to receive the Sacrament and to take the prescribed oath.² But the next test that was proposed in 1675 was as objectionable to them as the former one had been acceptable. Its purpose was to entrench Danby's posi-

¹ Sir John Holland's paternal grandmother was Mary, daughter of Sir Edmund Wyndham and Susan Townshend.

² *H.M.C., 12th Report, Part IV, 182.*

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tion by exacting an assent to the Tory doctrine of non-resistance to the King and the Anglican Church from all officials, members of Parliament, and justices of the peace. A Bill to this end was introduced into the House of Lords in April. It passed after seventeen days' acrimonious debate, and coming down to the Commons inspired such angry scenes that Parliament had to be prorogued in June until October. The opposition then pressed for a dissolution, Townshend being among those who signed an address in its favour. But the King replied by another prorogation, this time for fifteen months until February 1677. Upon this Townshend is said to have declared that 'the King should never have a penny of money in Parliament' so long as Danby was Treasurer.¹

These dissensions were echoed in local Norfolk politics, which had never been noted for their moderation. The general election for the Cavalier Parliament in 1661 had passed off in the roseate atmosphere of Charles's return. Sir Ralph Hare, Townshend's brother-in-law, and Thomas, Lord Richardson, had been chosen members for the county. Sir Ralph had the qualification that after he had been elected for Cromwell's Parliament in 1656 he had been prevented from taking his seat through failure to secure the required certificate from the Council of State. Richardson had similarly shown his independence by protesting against Hare's exclusion. So also had Townshend and Hobart; and when Hare died in 1672, Hobart was elected in his place. When Richardson died in 1675, the by-election coincided with the debates in Parliament on the non-resisting test of 1675 and was fought with such bitterness that it was long afterwards remembered.

Sir Robert Kemp, who had been one of the executors

¹ Ibid. *6th Report*, 377*b*.

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of Thomas Windham's will, was put forward by Townshend, Hobart, and Holland and received the support of 'all the godly party whether Presbyterians, Independents or Quakers'. Against him Sir Neville Catelyn was persuaded to stand by a 'loyal party of gentry, clergy and commonalty'. The election was held on 10 May, and an account of it by an eyewitness has survived. Written by a supporter of Catelyn, it is obviously prejudiced, but even so it must be near enough to the truth to give us a good idea of what happened. The Catelyn party had made the 'King's Head' in Norwich their head-quarters, dining there on Saturdays and intending to make it their chief place of rendezvous on the day. But Townshend, by his influence as Lord-Lieutenant, squeezed them out and took it for Kemp, and on the morning of the election was 'placed in a chair proportionable to his greatness in the Market Cross, over against the King's Head' and dominated everything to the Catelyns' disadvantage. They were driven to go to the 'White Swan' which, being on the backside of the butchers' shambles, was 'very incommodiously situated as a chief house of entertainment'. The proceedings opened with the High Sheriff reading the writ and then withdrawing to the Grand Jury Chamber in order to settle the method of conducting the election so that 'all things might be equally and indifferently administered'. Hobart and Holland represented Kemp at this conference, and Hobart undertook to draft the agreement arrived at. Having done so, he and Holland left the room and when the Catelyns, after reading the draft, complained that it was defective and incorrect, their absence made any amendment impossible. Trouble occurred also over the closing of the poll. The Catelyns wanted it adjourned to and continued on the next morning, be-

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cause, so they declared, a considerable number of freeholders had not polled or had been hindered from doing so by the Kemps. But the Sheriff rejected their request and, immediately casting up the poll books, declared Kemp to be elected.

‘It’s much observed here’, the writer continues,¹ ‘that many of those persons that came to the poll for Sir Robert Kemp cried out that they came for the Lord Lieutenant’s sake, and others for this Colonel, Captain or Justice, but rarely any man said he came for Sir Robert Kemp’s sake.’

In this election Lord Yarmouth favoured Kemp,² but immediately after it he swung round to an uncompromising support of the Court, and, when he superseded Townshend as Lord-Lieutenant, he omitted with their consents, Hobart’s, Holland’s, and Kemp’s names from his list of Deputy-Lieutenants. William Windham, however, ‘stuck to’ Yarmouth and remained a Deputy-Lieutenant, although he continued his relations with the others. Hobart could be relied upon to maintain the tie, for he was a voluminous and interminable letter writer and bombarded William with correspondence persuading him to stand for Parliament.

While the county was thus being rent by political divisions its attention was diverted by a ship being cast ashore near the spot where Roger Wyndham’s wreck had foundered in February 1588, and the same problem arose as to its ownership as had in his time. Lady Wyndham, the widow of Sir George of Cromer, claimed it in right of her manor. So also did Sir William Rant, the lord of the adjoining manor. But they agreed to divide whatever they got from it. Pending the sitting of the Court of Admiralty at

¹ *H.M.C., 6th Report*, 371-2.

² *Ibid.* 371a. The Yarmouth’s chaplain voted for Kemp in compliance with Lord Yarmouth’s wishes, although his own judgment led him to Catelyn.

Cromer, she by consent unloaded the cargo of timber and stored it at her house. When the Court sat under the Presidency of Dr. Owen Hughes, the Vice-Admiral of Norfolk, Hobart appeared with a voluminous brief to prove that the wreck was his by right of a tenancy of his from the Duchy of Lancaster. Hughes, however, refused to listen to him and sent the jury away to consider their verdict before he had fully stated his case. Their decision was simple enough. The ship, they declared, being a floating wreck belonged to the Admiralty and was therefore to be seized by Lord Yarmouth the Lord High Admiral of Norfolk, the owner having a year and a day to prove his ownership of it and its cargo. Hence Lady Wyndham got nothing. Neither did Hobart, and his treatment on this occasion by Yarmouth's representative added to his discontent.¹

He became still more insistent that William should stand for Parliament.² There happened to be two vacancies in the representation of Norwich during the first four months of 1678. He pressed the second on him. But William declined for the characteristic reason that 'knowing my own nature I did foresee I could not bring my friends off with credit'. When a year later Mr. Robert Coke, one of the members for Lynn, died of the small-pox, Hobart returned to the charge, imploring William not to allow 'his ease at home, love of privacy and good husbandry' to stand in the way. 'Some kind of violence', he added, 'must be used to men of your modesty and caution.' To this William replied that, although he was not so fond of the prospect nor so generous as to offer himself, yet he

¹ *H.M.C., 6th Report, 348a.*

² Most of the correspondence between Hobart, Townshend, Holland, and William Windham from 1677 to 1685 is at Felbrigge, and I have to thank Mr. Ketton-Cremer for placing it at my disposal. Some of it is in the British Museum, Add. MSS. 37911.

would be willing to serve if he could 'come in on easy terms', meaning thereby having the open and adequate support of Townshend and others. Unfortunately Townshend was at the time laid low with gout in London and could only with difficulty be brought to discuss any public business. Moreover, he was inclined to keep in the background since he had been superseded by Yarmouth. However, the sudden dissolution of the long-protracted Cavalier Parliament on 24 January 1679 did away with the necessity for a by-election and substituted a general election instead. It was held in February. Hobart had some doubts about standing again. Writing to William, he deplored how the county had been 'broken to pieces at Sir R. Kemp's election', and how the breach had grown even wider since. He even hinted that 'to oppose an interest set up by the civil and military government will be called faction by some, inconsiderate by others and very improbable to be successful by most': an opinion dangerously approaching the non-resistance doctrine. But this was only a temporary lapse. He did again contest the county with Sir Peter Gleane as his colleague, against Sir Neville Catelyn and Sir Christopher Calthorpe, while William did not stand for Lynn.

Both Hobart and Gleane were defeated, in a contest that was as much dominated by their opponents under the wing of Yarmouth as that of 1675 had been governed by the Kemp party under Townshend. Hobart challenged the result in an election petition, alleging amongst other things: (1) 'That Yarmouth had written a circular letter recommending Calthorpe and Catelyn to the freeholders and informing them that he had 'engaged all his interest to promote their election',¹

¹ The letter was dated 4 Feb. 1679 and is printed in *H.M.C.*, 6th Report, 389b.

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thus improperly exercising his influence as Lord-Lieutenant: the very same accusation, though in a different form, that had been made against Townshend in 1675. (2) That his supporters had been prevented by various means from recording their votes: so were Catelyn's upholders interfered with in 1675. (3) That the Under-Sheriff, who was in charge of the election, refused to adjourn the poll and continue it the next morning in spite of the large number who were waiting to poll, and drawing his sword violently removed the books and declared Calthorpe and Catelyn elected: exactly the same complaint as was made in 1675. (4) That some voters, such as absentees, the freeholders of the county of Norwich who had no vote in the county of Norfolk, and the inmates of the jail were fraudulently entered as having polled for Calthorpe and Catelyn. The petition was upheld by the House of Commons, and consequently a new election became necessary in April.

This time William stood with Hobart, and they opened their campaign by addressing the following notification to 'the Gentry of Norfolk':

'We think it reasonable to acquaint you we are encouraged to offer our services to the country, and that we will personally appear upon the day of election which is the 5 May. If you think us worthy of that employment we desire you'll be pleased to appear for us with your interest and if we have the honour to be chosen we will endeavour to acquit ourselves as become your faithful servants.'

Townshend also came out into the open and wrote recommending them to his 'worthy friends and old acquaintances'.

'I hope', he added, 'we may be as happily united in these persons as we have been unfortunately divided in others,

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whatever respect and kindness you shall show to these gentlemen I shall owne from you with the same gratitude as if immediately placed upon me.'

Holland, on the other hand, was more doubtful. He favoured a compromise, fearing that 'unless some healing way be found out our country will be so mischievously divided that not one or two ages will be able to reconcile it again'. His proposal was that William should withdraw, for in any case his chances of success were small, then Sir Neville Catelyn would retire and leave Hobart and Calthorpe to be returned unopposed. But Hobart and William were now immovable. They were, they declared, 'engaged past an honourable retreat' and were backed up by both Kemp and Gleane. Moreover, Holland's backsliding caused a breeze between William and him, after William had remarked, in the hearing of one of Holland's servants, that assurances of his support had induced him to stand. Such a statement was obviously open to exaggeration when repeated, and as it reached Holland's ears, implied that he was 'bound in honour' to assist William. Holland protested against such an imputation 'so publicly made and so expressly directed to my servant to report to me'. But William was able to assure him that this interpretation could not justly be attached to the words used, and with this Holland was satisfied.

Accordingly all four candidates went to the poll. The preparations for it were most elaborate, and a letter from Hobart to William, dated 4 May, reviews them. Calthorpe and Catelyn were sparing no cost and had taken up most of the inns to house their supporters, with the result that Brewster, Hobart's and William's agent, had been unable to find accommodation for 'Dr. Jessup's men and the men from Lynn'. To meet the emergency Hobart had written to Alderman Pain,

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a reliable supporter, 'to take up houses for them upon the best terms he could'.

'As we shall want houses', he continues, 'so we shall want provisions for our men. I have ordered the beef I had provided for tomorrow morning to be sent this night to the Chapelfield, so likewise I shall what mutton, lamb and other provisions I can possibly get ready against that time. I wish you would do the same, for all we can do within this time will be too little. I wish you would provide lobsters for the better company. Some of our men came into Norwich last night and many will do so this night. I think to despatch Brewster this morning, and to get presently together what waiters and other helpers are necessary at present. This is a season for consultation as well as action. By reason of my despatches I cannot very well come to you, I wish your health and leisure would permit you to come to me, for we have a great deal to resolve on and do in a little time.'

To this William replied:

'Though my teeth ache and my face is swelled, if I thought I could improve our interest or reputation, I would wait upon you, but considering if I was with you I should yield to your better judgment in the management of this great affair, I desire you'll please give such directions for the entertainment of our friends as you think necessary or reasonable, in my opinion 'tis best to be at a certainty. I'll meet you tomorrow (God willing) at Aylsham by 2 o'clock and will provide 6 press of roast beef, 3 sheep, 3 lambs and lobsters and crabs against Monday night.'

In the result Hobart came out top of the poll and Catelyn second. William was at the bottom. Holland sent him a kind letter of condolence, laying by all memory of any mistakes in the past. Townshend also wrote, but in a more combative frame of mind. The defeat was a blow to his prestige and he met it by roundly declaring that: 'our Norfolk world shall know that whosoever pretends friendship to me must appear

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for you or shall never be owned by me.' William, on the other hand, took the whole thing with characteristic philosophy. In reply to a letter from Hobart warning him that if he intended to be something more than a mere county justice, he must rouse himself 'like a vigorous champion', he confessed: 'I take so much delight in my nursery and garden that I don't envy even the knight the honour of being in the House.'

The nursery at Felbrigge had been well filled during the past twenty years of married life. Eight sons and three daughters had been or were still its inmates; and even the loss of three boys in infancy left it well furnished. And besides the garden, William was at this time planning the new wing of Felbrigge and the ceilings that are one of its chief ornaments.¹ Nothing but a lively realization of the danger threatening the country could have tempted him from such alluring enticements. When writing to Townshend in March thanking him for his promised support in the coming election, he had made this clear:

'I am so sensible of the influence the success of this affair will have upon this country that I have lost no time towards the setting up of the old English interest which I hope to see once more flourish among us.'

The old English interest had indeed suffered several shocks during the last few years; and only six months before had been jolted out of all measure by Titus Oates's allegations of a Popish plot and by the murder of Sir Edmond Berry Godfrey. The whole country was agog. Danby was overthrown and locked up in the Tower; and the wildest reports of deep-laid projects

¹ These ceilings survive in the drawing-room and in the cabinet. The latter was altered in 1750, but the former is untouched and is dated 1687.

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to deprive Britons of their hard-won liberties and place them under the heel of Romish and continental domination were eagerly believed. One typical story affected the Tasburgh family of Flixton. On 14 May two men deposed before William that, being intimate with the Flixton park-keeper, they had in May 1675 gone abroad drinking, when the keeper informed them that his master kept arms hidden underground. A few days later he led them to the cellar, where they took up three paving stones and discovered a vault full of arms, enough to furnish eighty men. In the following June Tasburgh's brother was observed kneeling upon the grass at the back of the house. On examining the spot a stick was found standing up about an inch. Further investigation disclosed a brick vault, but its darkness prevented its contents being seen. About the same time Mrs. Tasburgh was alleged to have remarked to a maidservant that she hoped to wash her hands in Protestant blood ere long.¹ The west of England was equally hysterical. George Speke of Lackington, who had made great sacrifices for Charles I, who had been one of the hostages handed over with Hugh Wyndham to Fairfax before the surrender of Bridgwater, and whose cousin, Sir George Speke of Haselbury in Wiltshire, was married to Rachel, the eldest daughter of Sir William Wyndham, now became a violent Whig. The open way in which he denounced the King and the Duke of York as Papists and spoke of Monmouth as the rightful heir to the throne alarmed even his own sons, who were of the same persuasion. He and others were said to have accumulated arms in their houses, and there was evidence that Sir William Wyndham had laid in a store of fifty muskets.²

¹ *H.M.C.*, 13th Report, Part VI, 159.

² *Cal.S.P. Dom. Car. II*, iii. 116; xxi. 471; xxii. 690; xxv. 316, 399, 416.

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In this excited atmosphere the Cavalier Parliament met in October 1678 for its last session with Hobart a member for Norfolk County. In the general panic about the plot the question of the succession to the Crown had been raised. James, Duke of York, had married Mary of Modena in 1673 and was known to be a Roman. Then his secretary had been discovered carrying on a treasonable correspondence with the Jesuit confessor of the King of France. Danby also had been proved to be implicated, though unwillingly, in Charles's receipts of subsidies from Louis XIV, and his impeachment had been demanded.

In a vain attempt to check this rising tide of popular resentment, the King had ordered James to withdraw into temporary exile to Flanders. Charles Wyndham, the son of Thomas of Tale and Winifred Welles, was attached to his suit as a Page and he accompanied him on this ominous emigration¹ that seemed to forebode the more permanent one of less than ten years later, which Charles again shared. They departed before the general election of 1679 was held. Nevertheless, the Court party came out of it reduced to a small minority, and the Whigs, now thoroughly in the ascendant, introduced a Bill to exclude James from the throne. Hobart arrived in London, after his victory in the election of 5 May, two days before it was read a second time. He kept William informed of its progress, which was too slow for his liking. But in any case the Bill had no chance of becoming law. The King's power of dissolution hung over it like a doom that soon descended and blotted it out.

George Speke's wife had been indicted in 1663 for keeping a Conventicle.

¹ *H.M.C., 11th Report*, Part V, 31-2. I have assumed that the Mr. Wyndham here mentioned was Charles because he went with James II in 1688, but it is not certain.

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There is a gap in the Felbrigge correspondence between May 1679 and June 1680. During it the tempest continued to rage, although with some signs that it was beginning to blow itself out. The counter-attack from the Court party grew in effectiveness, and Hobart's armour was pierced by a story industriously spread abroad in Norfolk that he had been seen in a Conventicle early in May 1680. He indignantly wrote a denial to William and protested his undying attachment to the Established Church. At the same time he received hints from both Townshend and Holland that he must not necessarily count on their support in the future. The tide, in fact, was turning. The fraud of the Popish Plot was beginning to be unmistakable; and the proposed corollary of the Exclusion Bill, that the Duke of Monmouth should become heir, was not attractive. A reaction set in in favour of the King and against Parliament. One indication of it was that William, Hobart, Holland, and Kemp were all omitted from the Commission of the Peace.¹ In November, after the Exclusion Bill had been reintroduced in the session of October 1681, William wrote to Hobart warning him that their position in the county was weakening. Again, in December, he reported a general move, with which he sympathized, to unite the two local factions for the next election whenever it might be. By that time Townshend had openly withdrawn his support owing to Hobart's uncompromising advocacy of the Exclusion Bill. Still Hobart remained obdurate. He was engaged, he declared, past retreat; and all William could do was to reply that in that case he would remain faithful and do his best 'to promote their declining interest'. His constancy caused him in turn to be the victim of malicious political gossip.

¹ *H.M.C., 11th Report, Part II, 172.*

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The two parties had each a regular meeting-place in Norwich, the Tories, as they were now called, using the 'King's Head' and the Whigs the 'White Horse'. A story was circulated that at a 'White Horse' dinner William had refused to drink the King's health. We quote below his letter denying the accusation:

'About the King's health . . . when it came to me I bid the footman not fill it full, but he did not mind me, so I took it and drank about half and gave it away without the least notice then taken of it by anybody, for if there had, I would readily have drank it and am content that the bellman should in the market tomorrow cry Oyez, Oyez, Oyez. If any man or woman believes Mr. Windham will not pledge the King's health they may go to Felbrigge and be convinced to the contrary, or if that be too great a journey let them repair to the next general meeting at the White Horse and they shall there see the King's health go round as heartily and with as much ceremony as at the King's Head, though 'tis like it may be drank oftener and in bigger glasses there. I dont care how such silly story is improved, for 'tis no crime with sober men to wave drinking brimmers and I desire no credit with others.'

During these emotional times William's relations with his Lord-Lieutenant were naturally less cordial than they had been. Yarmouth no longer wrote of him as 'cousin Windham' in his letters to his wife, but alluded to him irritably as having, with Hobart, 'set the fanatic party already bawling'. He prophesied for him such an opposition as never was seen in the county. He accused him of countenancing the impudence of the rabble;¹ and no doubt was delighted when he came out bottom of the poll in his one election contest. Nevertheless, William continued all the time to be a Deputy-Lieutenant and so deemed it to be his duty to wait on the Lord-Lieutenant whenever he came into

¹ *H.M.C., 6th Report, 387a, 389b, 390a.*

the county, and was received by him 'with as much respect as ever'. 'When he does otherwise', William added, 'I shall do like a gentleman.' Fortunately it never came to that. Still, Yarmouth was undoubtedly an obstacle to any healing of past discords, and when he died in March 1683 William again pressed Hobart to retire, he being the chief impediment to unity on the Whig side. But Hobart was immovable and nothing but death, which overtook him six months later, removed his veto.

Sir John Holland lived to be ninety-eight. When he was in his eightieth year he replied to an inquiry of William's after his health:

'I have enjoyed it more entirely hitherto this winter than I have in seven years before it and this you will find reason to believe when I shall truly tell you that I have not failed one day my church nor have had one night my bed warmed either with an English or a Scotch warming pan,¹ all this severe season, nor not now when it seems ye neighbours are frozen. I wish my sheep at Quidenham may have as little reason of complaint before the winter be passed, for the weather seems still to threaten.'

Lord Townshend died in September 1687, leaving his eldest son and heir a minor aged thirteen. Having by that time entirely divested himself of his Whig sympathies, he appointed Sir Christopher Calthorpe and Mr. W. Thursby, who, like his colleague, had been a supporter of the Court party in the Norfolk elections,² to be the boy's guardians. That two Tories should be thus deputed naturally aroused the resentment of the Whig relatives, and an acrimonious contest arose between them and the guardians over the education of the young Lord. The guardians complained on 5 May

¹ A Scotch warming-pan was of earthenware and was left in the bed.

² *H.M.C., 6th Report*, 380a.

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1688 that his uncle and aunt, William and Katherine Windham, sought to obtain undue influence over him, and that they kept him at Twickenham, where his grandmother Lady Ashe lived, when he would be better at Eton. A week later they managed to get hold of him and took him to see Lord Crew of Stene, the husband of his father's sister Mary. Crew impressed on him his good fortune in having two such excellent guardians and 'stormed' at the evil counsellors among his Ashe relations who advised him to disobey them. In reply young Townshend promised not to listen to Twickenham advice. But no sooner had he returned home than William and Katherine arrived and 'another little brush' occurred, which was complicated by a dispute over the presentation to the living of Stiffkey that Townshend had assigned to William in 1679. Later on again the guardians found themselves 'in a peck of troubles over the Townshend children'. The young Lord was again at Twickenham, a fortnight before the holidays had begun, although his tutor had been expressly instructed to keep him at school. An emissary was sent to see him and found him in bed with one of William's sons. He declared he had come to see his aunt and to go to the play, and he refused to leave. 'They have got a great step with the government of the young man,' the baffled representative of the guardians lamented; 'how you will bring him off I know not.'¹ Nevertheless, the young man was brought up to be a Tory. The death of William Windham in June 1689 no doubt helped to clear the way for the guardians. But a recollection of his influence may have contributed to Townshend's subsequent secession to the Whigs.

¹ H.M.C., 11th Report, Part VIII, *Le Strange MSS.*

XIV

JAMES II

CHARLES governed without a Parliament for the last four years of his reign. The Tory reaction against Whig extravagancies put him in the position of political ascendancy to which he had always aspired. In return he accepted the Established Church, although he was reconciled to Rome on his death-bed. James II seemed at first to adopt the same attitude. He informed the members of his one and only House of Commons that 'being monarchical and Church of England men' he would stand by them and all their kind. But, as interpreted by him, these words meant that the English and the Roman Churches should unite against all Protestant dissenters as a first step towards the return of England to Rome, and that the tests by which Roman Catholics were debarred from employments should be abrogated. He began to dispense with them before he was legally entitled to, and when Parliament objected he dismissed it and governed alone. At the same time, having found the Church of England obdurate, he changed his plan and attempted to unite the Roman and Protestant dissenters against it by issuing without legal authority a Declaration of Indulgence for their benefit and by appointing them to posts hitherto held as a matter of course by Church of England men.

The first and only Parliament of the reign met on 23 May. It contained more Wyndhams than had the Cavalier Parliament of 1661. We must briefly describe who they were. First comes Sir Edward Wyndham, who was returned for Ilchester, although he was then

only eighteen years of age. He was the fourth son of Sir William, his three elder brothers having died before their father. He had received an education suited to his state of life. At the early age of nine he had been sent to Queen's College, Oxford, where he had been placed, through the good offices of Sir Joseph Williamson, under the ponderous care of the Rev. John Mill. Mill, who was a distinguished scholar and afterwards famous for a monumental edition of the Greek Testament, was of course a firm believer in the classics as the only possible foundation of a gentlemanly education. He was pained and disappointed at Edward's ignorance of them. He gloomily predicted that his new and youthful pupil would for some time have 'to converse with the classic authors in order to a more perfect knowledge of the Latin tongue' before he could 'proceed to more rational studies'. He was hopeful that if Edward's diligence equalled his capacity, 'this nonage of his' would be but short. The progress made appears to have been satisfactory, except that somehow Edward got into bad odour with the Provost of Queen's, who threatened to deprive him of his single chamber. Mill took up the cudgels on his behalf and wrote at length on the subject to Williamson. The Provost was on his dignity over it. He alone, he pointed out, had the power of disposing of the chambers in the college, and if Edward were guaranteed one to himself, 'other gentlemen of as good quality and condition' would demand the same privilege. Mill was not disturbed by these arguments because he knew that no other gentleman of Edward's 'order and quality' was without a single chamber. Moreover, he got the Provost to admit that, if Williamson wrote under his hand and seal that it was his particular desire, it would be granted. Thereupon Mill produced such a

letter from Williamson and the single chamber was secured.¹

We may be sure, then, that Edward entered Parliament well grounded in the classics, and a firm supporter of the Established Church. His politics, too, would be fitted to the period. Williamson was wholly attached to the Court and was a Secretary of State under Danby's administration at the time when he introduced Edward to the care of Mill. In the following year he was removed from office on suspicion of complicity in the Popish Plot. He was therefore no friend of the Whigs. Mill also was an adherent of the doctrines of passive obedience and non-resistance, although his subsequent vacillations earned him the nickname of 'Johnny Wind-Mill'. Moreover, the gentry of Somerset, with some exceptions like George Speke and the Strodes of Barrington, preferred the legitimacy of James to the shallow pretensions of Monmouth, and kept clear of the latter's rebellion in 1685.

Thomas Wyndham was one of the members for Wells, of which he was also the Recorder. He was the second son of John Wyndham and Catherine Hopton,² and lived at Witham Friary, which he had inherited from his mother. The property remained in the family until purchased about 1760 by William Beckford. There is an absence of information about Thomas's doings before he entered the House of Commons in 1685. He was then over fifty years of age and died in 1689. But during this brief interval he became prominent enough as a lively and outspoken opponent of James's policy of indulgence to dissenters. Sir Charles Wyndham was another member of this Parliament, sitting for Southampton Borough. He had previously interrupted

¹ *Cal. S.P. Dom. Car. II*, xvii. 384; xviii. 521-2.

² See Genealogy II.

his military service in the Earl of Oxford's regiment to contest successfully the same constituency for Charles II's transient fourth and fifth Parliaments. He now had a better, though not much more prolonged, opportunity of proving himself as a legislator, and he was an active member, serving on numerous committees and particularly opposing James's appointment of Roman Catholics as officers in the army. Two sons of Sir Wadham were also members. The eldest son John followed in his father's footsteps in so far as he was called to the Bar at Lincoln's Inn in 1668. But his career there was cut short five years later, when he refused to be called to the bench and so necessitated a search for precedents as to what fines or other penalties had been inflicted in such cases in the past.¹ He married Alice, daughter of Sir Edward Knatchbull, and preferred living at Norrington and in 'The Close' at Salisbury as a country gentleman, a colonel of militia, and a member of Parliament for New Sarum. His brother Thomas, Sir Wadham's fourth son,² represented Yarmouth in the Isle of Wight. He married his cousin Margery Moore and through her came to live at Wylde Court in the parish of Hawkchurch in Dorset. Neither he nor his brother are recorded as being particularly active members of the House.

Soon after the opening of the session in May 1685 the House passed a resolution expressing its reliance on James's intention to support and defend the religion of the Church of England. It then turned to less controversial subjects until it was adjourned on 2 July, three days before the battle of Sedgemoor, to 9 November.

¹ *Records of the Society of Lincoln's Inn*, iii. 90-2.

² The second son Hugh died unmarried. The third son William purchased Dinton in 1689 and was the founder of the Wyndhams of Dinton. See Genealogy II.

Monmouth's rebellion then gave James an excuse to demand the permanent establishment of the army that had suppressed it, and to which he had been industriously appointing officers of his own faith.

'Let no man', he declared in a message to the House asking for supply for this purpose, 'take exception that there are some officers in the army not qualified by the late tests. They are well known to me and I will deal plainly with you, I will neither expose them to disgrace nor myself to the want of them.'

To all Cavaliers and Tories the idea of a standing army had always been distasteful, and the prospect that the present one might be used to undermine the Established Church aggravated their dislike. The House therefore responded to James's truculent words by resolving that a Bill should be brought in to render the militia more effective and by appointing a committee of twenty-four, of whom Sir Charles Wyndham was one, to prepare an address to the King against unqualified officers. A week later Parliament was adjourned and remained in suspense until it was dissolved in July 1687.

Having thus made apparent what subservience he expected from Parliament, James thought fit, before he summoned another, to make sure how far it would be willing to carry out his policy. He therefore addressed the following three questions to each candidate:

1. In case he shall be chosen Knight of the Shire or Burgess of a town, when the King shall think fit to call Parliament, whether he will be for taking off the penal laws and tests.
2. Whether he will assist and contribute to the election of such members as shall be for taking off the penal laws and tests.
3. Whether he will support the King's declaration of

liberty of conscience by living friendly with those of all persuasions as subjects of the same Prince and good Christians ought to do.

The joint answers to these questions made by Edward and by Thomas of Witham have been preserved. To the first they replied that they were at present opposed to abrogating the tests and penal laws against Non-conformists, but that they could not say how they might change their opinion upon hearing the debates. In other words, they invited James to leave the House to decide, the one thing he was not prepared to do. To the second question they returned an unqualified refusal, and to the third an unqualified assent.¹ It was impossible for James to risk a Parliament on such terms and none was summoned.

The month before Edward Wyndham declared his mind on these important problems and just after he had come of age, he married Katherine, the daughter of Sir William Leveson Gower of Trentham. The alliance was in every way satisfactory. The bride had a fortune of £6,000 with another £4,000 to follow. Edward's income was stated to be between £4,000 and £5,000 a year. The wedding was celebrated at St. Peter's Cornhill with a profusion of hospitality on the part of the bride's parents, every door being open to all comers and goers.² The couple had every reason to expect a prosperous future had not 'a fever' cut it short by removing Edward when he was but twenty-seven, and when he had only two children. The eldest was William, the Queen Anne statesman. The other was Jane, who married Sir Richard Grosvenor.

Edward and his wife had been settled at Orchard Wyndham a little over a year when Somerset was

¹ E. Green, *The March of William of Orange through Somerset*.

² H.M.C., *7th Report*, Sir H. Verney.

shocked by the King's appointing Edward Strode of Downside to be High Sheriff, in accordance with his policy of excluding Church of England men from such posts. Edward was a son of the William Strode of Barrington, who in August 1642 had opposed the reading of Charles I's Commission of Array in Shepton Mallet. He and his elder brother William followed in their father's Nonconformist footsteps even to the point of openly supporting Monmouth. Yet both their names were included in the list of Roman Catholic and Protestant dissenters who were accepted by the King as suitable for appointment to be High Sheriffs, Deputy-Lieutenants, and justices of the peace. James was hard put to find Protestant dissenters whose aversion to the Church of England was strong enough to make them submit to his terms; and as for the Strodes, the gentry of Somerset might reasonably regard their adherence to James as the price paid for their lives after their support of Monmouth.

When, therefore, Strode went to his first county court at Ilchester in January 1688, expecting to meet the outgoing Sheriff and to have the office handed over to him, the Sheriff was not there. A week later he went to the quarter sessions at Bruton in order, as he says, 'to give my attendance to the justices fearing their malice against me because of His Majesty's employing me'. The first man he met at the inn was Lord Fitzharding, who informed him that before he would consider any mitigation of the penal laws he would first insist on the existing laws being enforced. He then went on to complain that many old names had been omitted from the panel for the Grand Jury and asked that they should be replaced; but Strode refused. The sessions then opened with Thomas Wyndham of Witham present among other justices. They began by

installing David Trim, the Town Clerk of Wells, as Deputy Clerk of the Peace. They then adjourned for dinner, at which Strode complains that he was 'much abused and teased', having nobody there of the King's side to support him. Fitzharding angrily accused him of cooking the Grand Jury list and broadly hinted that the King had not made him Sheriff for nothing. Meanwhile Strode, who held Trim in especial odium because it was his evidence that had proved the family support of Monmouth, had sent a bailiff to arrest him for debt. So soon as this fresh provocation was heard by the assembled justices they were the more infuriated, especially Thomas Wyndham, whose connexion with Wells made him all the more anxious to protect Trim. But not until they had put up £44 was he released. Thereafter Strode thought it best to keep away from the court, and so went home.

That afternoon, after the Grand Jury had been charged, the justices appointed a bailiff to wait on them. But they, being all supporters of Strode, refused to accept him and desired that William Strode should be appointed instead, to which the justices unwillingly agreed. What exactly happened next is obscure. The justices assert that William, so soon as he was in office, called out 'the time of hanging and quartering is now over'. Thereupon they committed him to the Under-Sheriff, who allowed him to escape. On the other hand, Edward Strode asserts that one Plommer called William 'one of Strode's rogues', and when he answered back the justices committed him for creating a disturbance in the court, with instructions that he should be released at eight in the evening. Certain it is that on the next morning when his name was called, the answer came that he had gone out of town; upon which, so Strode affirms, the justices used 'such language against

me as is not fit to be used to a footman, much less to one that His Majesty has thought fit to be Sheriff of his county'.¹

The episode is a good example of the obstinate blindness of James's policy and of the opposition it evoked. As a consequence of it Whigs and Tories united in inviting William of Orange to invade the country and take the Crown for himself and Mary; and among the Somerset gentlemen 'who came in briskly' to welcome William after his landing at Torbay was Thomas of Witham. Nevertheless, James was attended in his exile by Thomas's cousin Charles. But he was of the Kentsford branch of the family that had always been more bound to the Stuarts than had the Orchard branch to which Thomas belonged. And Charles remained faithful to them, and had adventures while taking part in their attempt to regain the throne in 1715, which fall outside the scope of this volume. By a curious twist of fate, the Strodes of Barrington became closely connected by marriage with Thomas's cousins, the descendants of Humphrey Wyndham, seventh son of John and Joan Portman. John, Humphrey's eldest son, married Edward Strobe's sister Jane; and their son Francis married Edward's daughter Mercy.² By such means may ancient political feuds be obliterated.

¹ E. Green, *op. cit.*

² See Genealogy II.

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NORWICH IN 1558

Taken from W. Cuningham's *The Cosmographical Glasse*.

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|------------------------|---|---------------------------------|
| 1. Hungate Street. | 4. St. George's Colegate. | 7. St. Michael's Coslaney. |
| 2. Friars Street. | 5. Site of John Wyndham's house. | 8. Chapel-Field. |
| 3. Blackfriars Bridge. | 6. St. Mary's Colegate. | 9. Sir Francis Wyndham's house. |
| | 10. 'The place where men are customably burnt.' | |

Sir Robert Howard = Marger

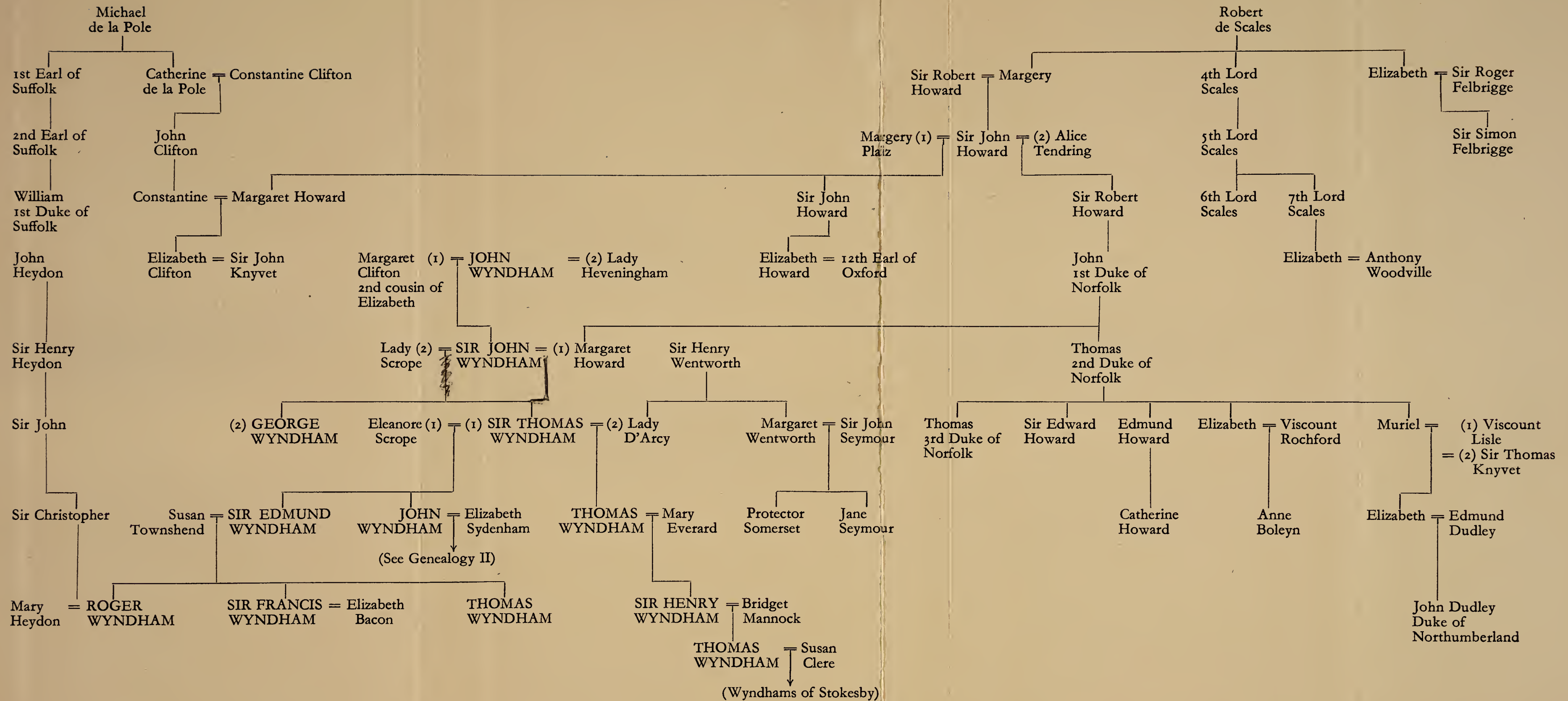
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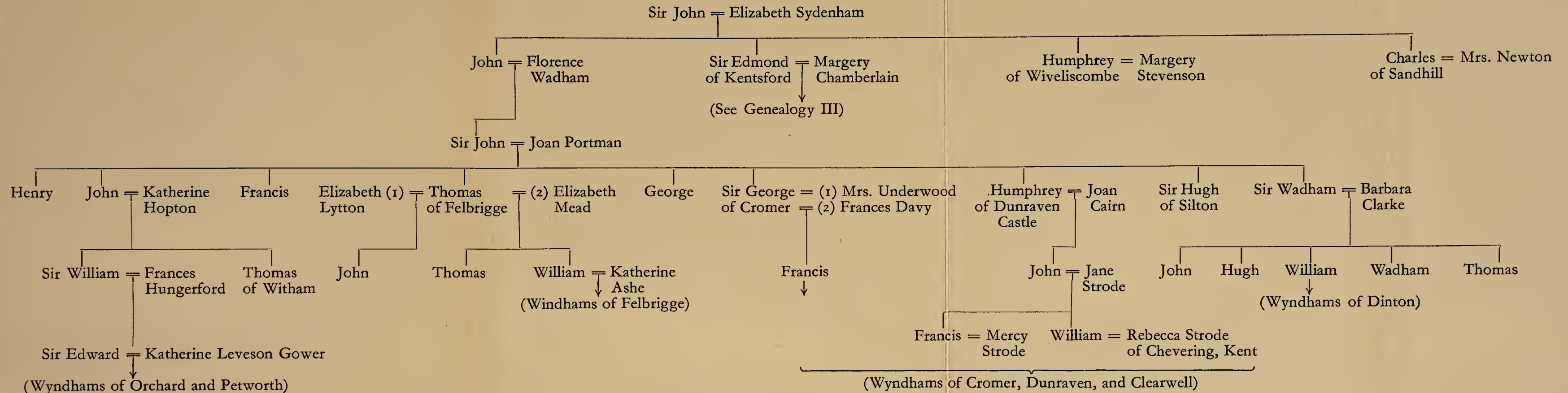
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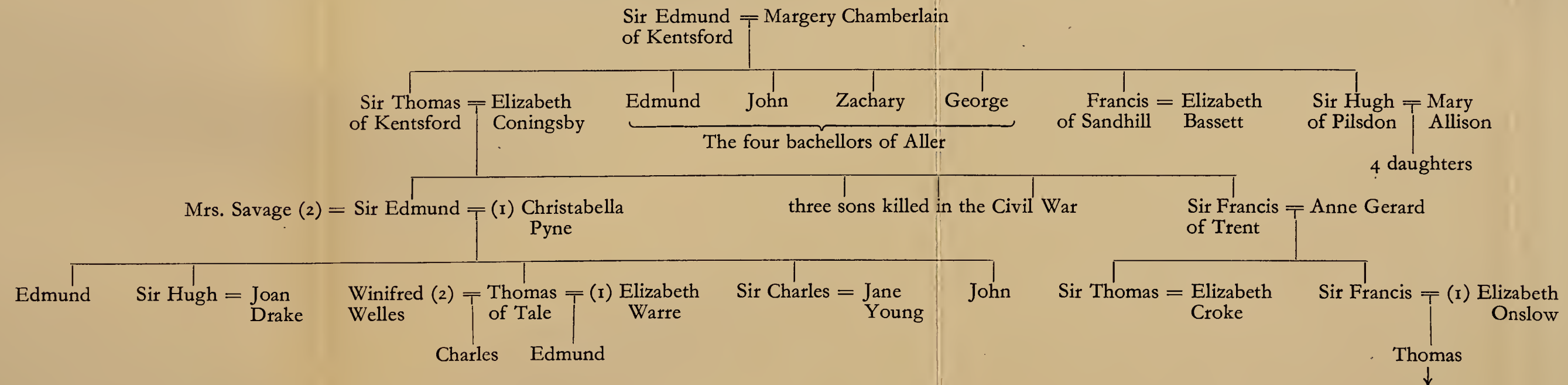
GENEALOGY II

WYNDHAMS OF ORCHARD, FELBRIGGE, DUNRAVEN, AND DINTON



GENEALOGY III

WYNDHAMS OF KENTSFORD AND OF TRENT



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